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VOL. VIII No. 2

JANUARY 1903

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## THE MACMILLAN COMPANY

41 NORTH QUEEN ST., LANCASTER, PA.

66 FIFTH AVE., NEW YORK.

LONDON: MACMILLAN AND CO., LTD.

Entered at the post-office, Lancaster, Pa., as second-class mail matter.

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*Correspondence in regard to contributions to the REVIEW may be sent to the Managing Editor, Professor A. C. McLaughlin, 836 Tappan Street, Ann Arbor, Mich., or to the Board of Editors. Books for review may be sent to the Managing Editor, in care of The Macmillan Company, 66 Fifth Avenue, New York City. European Agent, Theodore Stanton, 10 Boulevard des Capucines, Paris. Subscriptions should be sent to The Macmillan Company, 41 North Queen St., Lancaster, Pa., or 66 Fifth Ave., New York. The price of subscription, to persons who are not members of the American Historical Association, is four dollars a year; single numbers are sold for one dollar; bound volumes may be obtained for four dollars and a half. Back numbers or volumes of the REVIEW may be obtained at the same rates.*

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THE NEW ERA PRINT,  
LANCASTER, PA.

The  
American Historical Review

## THE STUDY OF THE LUTHERAN REVOLT

THE dispassionate historical student who would estimate the full significance of the Protestant Revolt in Germany, and who desires to form a just opinion of the character and influence of the leaders of the time—both those who forwarded and those who opposed the revolution—finds his way beset with the most serious difficulties and dangers known to the historian. The sources for the period seem to be well-nigh vitiated by the hopeless bias of their writers. The personal abuse with which we are familiar in modern political campaigns seems affected and anæmic when compared with the robust and confident scurrility of those who headed the opposing forces in the sixteenth century. Luther, as is well known, harbored the most unmeasured contempt for his opponents. He taxes the zoölogical nomenclature of the period for invidious epithets. His enemies are lions, asses, goats, moles. He seeks in Terence, and the few classics with which he is familiar, for terms of opprobrium.<sup>1</sup> These he freely supplements by the resources of a peasant's vernacular. When the worthy Emser's reflections come to his notice, after the unpleasant discussion in Leipzig in 1519, he gives vent to his disgust that "such stupid, bungling, vapid, loud-mouthed fools should take a hand in the discussion at all."<sup>2</sup>

<sup>1</sup> Like Mucklewrath he discovered in the Bible a storehouse of invective. There is a curious example of this in a letter to Carlstadt in which Luther says he would never have deigned to meet Eck at all in the approaching disputation at Leipzig, *nisi pro populo Christi phrenapatas, mataelogos, authades, et aeschrocerdes oportuisse redarguere*. These singular *Schmähwörter* are adaptations from the Greek of the Epistle to Titus.

<sup>2</sup> Compare the following passage in the "Address to the German Nobility," in which Luther rivals Kent's famous tirade in *Lear*. "Dieser Muthwille und lügenhafte Vorbehalt des Papsts macht nun zu Rom ein solch Wesen, dass niemand davon reden kann. Da ist ein Kaufen, Verkaufen, Wechseln, Tauschen, Rauschen, Lügen, Trügen, Rauben, Stehlen, Prachten, Hurerei, Büberei, auf allerlei Weise Gottesverachtung, dass nicht möglich ist dem Antichrist, lästerlicher zu regieren."



The conservative party, on the other hand, was no more restrained or judicial in its utterances. To them Luther was a fellow who appeared to be "not so much a man as a wicked demon in the form of a man, clothed in the garb of a monk." He has drawn anew all the old errors from hell and collected them "in one stinking puddle." He urges the laity "to bathe their hands in the blood of the priests." He is dragging the credulous German people "in a pitiable fashion towards the abyss of damnation." "His writings breathe out nothing else than sedition, destruction, war, slaughter, rapine, and fire; they are calculated to cause the total destruction of the Christian faith, because he advocates a loose, licentious life, freed from all restraint of law and wholly brutish." These expressions are taken from well considered state papers, and are not simply the outbursts of personal spite.<sup>1</sup>

It would, in short, exhaust the rank vocabulary of an irritated Dryden or Pope merely to adumbrate in English the descriptions which each religious party has transmitted to the historian, of the character and motives of the other. For reckless scandal-mongery it would be hard to find anything more outrageous than the Protestant description of Tetzl which still has some currency, or, on the other hand, the vile anecdotes in regard to Luther which Cochlæus has handed down to successive generations of Catholic writers even to the present day. Consequently, as the student of the period descends into the arena, he is deafened by the discordant cries that reach him from every side; yet he must listen with composure and an open mind as Reuchlin and the Cologne professors, Luther, Eck, Prierius, Hutten, and the rest fill the air with mutual recriminations. He must not only listen, he must seek the truth in raging utterances in which all other considerations seem to give way before political and party animosities.

Party rancor is, of course, by no means confined to the early part of the sixteenth century; the worst of it is that the party rancor of this particular period has been perpetuated, and will be perpetuated for a long time to come. The old issues are by no means dead, especially in Germany, to which we have become accustomed to look for constant aid in solving the historical problems of the times.

The period has always had a peculiar attraction for those interested first and foremost in theology, and, with all respect to the signal contributions which have been made by writers of this sort, the general surrender to them of special research in this field has

<sup>1</sup> Compare the Decree of the Diet of Worms (1521), and a mandate of the bishop of Worms (1524).



been doubly disadvantageous from the standpoint of the historian. In the first place, just those phases of the movement have been emphasized which are still, and will be for an indefinite time to come, subjects which few can treat in a perfectly fair-minded way. In the second place, the exclusive attention to the theological and religious phases of the revolt has blinded most of the writers in the past to the equally fundamental social, political, intellectual, economic and institutional changes that accompanied the religious.

A generation ago a distinguished and eloquent German scholar, Wilhelm Maurenbrecher, prepared a remarkable review of the literature relating to the Lutheran movement that had appeared since the days of Myconius and Cochläus down to the year 1870.<sup>1</sup> From the standpoint of the open-minded historical student who approaches the great theme with none of the predilections of the Protestant, the Catholic, or, above all, of the anti-clerical, but with some understanding of each of them, the results of Maurenbrecher's essay are far from cheering. Aside from the arid *Commentary* of Seckendorf, published in 1688, he finds little or nothing to commend in the innumerable accounts of the subject which preceded that of Ranke (1839-1848).

For the latter writer he professes the admiration which German scholars always express for Ranke, and which to some of us nowadays appears exaggerated and rather inexplicable. We must recollect, however, that the brilliancy of Ranke's work has paled by reason of the very success of the reforms which he did so much to establish in the writing of history. He should be compared, not with the best scholars of to-day, but with Schlosser, Robertson, and d'Aubigné, if we would estimate his true place in the advance of historiography. Ranke at least placed the religious movement in its political setting in a way that none of his predecessors had done. Before the appearance of his book the field had been left mainly to the theologians, who had not only failed to interest themselves in more than one phase of an extremely complex movement, but, what was worse, had each had a system to defend, so that they contributed little to that particular species of theological knowledge of which the lay historian has need.

No one doubts the essential importance of an understanding of the theological issues, even for the student who is ordinarily indifferent to questions of doctrine. But one may seek in vain in a great part of the older treatises on the Reformation, both Protestant and Catholic, for the kind of knowledge which he desires. The Protestant writer is unconsciously led to systematize the uncer-

<sup>1</sup> *Studien und Skizzen zur Geschichte der Reformationszeit*. Leipzig, 1874.

tain gropings and contradictory statements of Luther and then sharply contrast this system with the alleged errors of the Roman Catholics and reconcile it as well as possible with present convictions and practices. Now there are some things in Luther's writings to shock modern susceptibilities and the good man did not always have his feet on the firm ground even of personal conviction; hence the temptations to unhistorical suppressions and adjustments have proved irresistible. The Catholic historian, on the other hand, was confronted by different but equally dangerous pitfalls. Luther's vacillation, his abusive language, and a certain exuberance of overstatement which grieved even his friends completely obscured his greatness in the eyes of his enemies. Moreover, it seems to be practically impossible for one to whom the doctrines of the Roman Catholic Church appeal to understand Luther's attitude towards religion, for otherwise why should the old preposterous motives for his conduct which were alleged in the Edict of Worms still be seriously urged? Catholic writers have never thought of discovering similar motives to account for Paul's or Augustine's beliefs.

While no student of the Protestant Revolt can possibly pursue his work without constant reference to the doctrines of the period, he should view these not as correct or incorrect from the standpoint of a particular set of beliefs, but simply as expressions of the convictions of those with whose conduct he has to deal. "The field must be cleared," as Maurenbrecher concludes, "from all theological *Tendenzen*, whether these come from the right, left, or center. A true history of the Reformation must on principle leave altogether to one side all theological and ecclesiastical bias and partisanship."

A more tolerant spirit in regard to the theological and religious issues of the Protestant Revolt will inevitably bring with it a new estimate of their importance. Clerical historians—upon whom we have had chiefly to depend until recently, whether Protestant or Catholic, have always viewed the medieval church as first and foremost a religious institution. To a class whose main calling in life is the inculcating of religious ideas and the stimulation of religious enthusiasm, religion must naturally appear to have been a constant and determining factor in the past. Protestant writers have consequently attributed to aroused religious sentiment the secession of a considerable portion of Europe from the ancient church in the sixteenth century. While they have willingly ascribed the most heterogeneous beneficent results to the Revolt, they have been loth to admit other than spiritual causes to account for it. The partiality of the Protestant writer for religious phenomena leads him to discover just those data which serve to establish his contention.

His especial interest in religious motives leads him unconsciously to neglect or belittle the importance of all others. In this way his presentation of the case is made to appear plausible and it has until recently been generally accepted without suspicion.

The ardor of the Catholic writer has led him into an equally fatal misapprehension of the situation. His doctrinal bias blinds him to the spiritual grandeur of Luther's work. It is inconceivable to him that anything worthy of the name of religious sentiment could have produced so perverse a rebellion as that of the Protestants. He naturally tends to discover *irreligious* explanations where he should have found only *unreligious* ones. Luther's denial of freewill is ascribed, for instance, not to his study of Augustine, but to his contamination by pagan poets; his attitude towards the celibacy of the clergy to his desire to marry; his deprecation of good works to his natural tendency to licentiousness.

We appear now to be on the point of developing an idea of the scope and cause of the Protestant Revolt that differs radically from the traditional one. Recently one of our most prominent students of the history of the church ventured the assertion that the Reformation could scarcely be called a religious revolution at all. This will seem at first sight utterly paradoxical to most readers; it may certainly prove to be an over statement, but there are nevertheless weighty arguments which may be adduced in support of this conclusion.

The secular study of the medieval church is making clearer and more incontestable from day to day the truth that that institution was by no means exclusively religious. It was not only organized like a modern bureaucracy but it also performed many of the functions which have in modern times been left to the civil government. It dominated the intellectual and profoundly affected the social interests of western Europe. As an economic factor its influence was multiform and incalculable. Mr. Cunningham has very properly emphasized the economic rôle of the monasteries, and other writers, the influence of the church's teaching in regard to usury. When we consider that in the fourteenth century one-third of all the real estate in England is said to have been in the hands of the church, and that the Good Parliament complained that the taxes levied by the Pope upon his English subjects were five times as great as those exacted by the King, we gain some appreciation of the manifold ways in which the existence of the church must have deeply influenced the general economic situation.

The question naturally presents itself, did the public in Germany during the period immediately preceding the Protestant Revolt look



upon the church as a religious institution, or were people pre-occupied with the various other phases of the church's activity? There is perhaps no more striking proof that the issue with the people at large was not primarily a religious one, than that in his first and greatest appeal to the German nation, the "Address to the German Nobility," Luther scarcely adverts to religious matters at all, but deals almost exclusively with the social, financial, educational, industrial, and general moral problems of the day.

If this be true of Luther's appeal, it is far truer of Ulrich von Hutten's various pamphlets. Moreover, in the important and fascinating collection of satires and ephemeral pamphlets collected by Schade, one is constantly impressed by the absence of religious fervor and the highly secular character of the matters discussed. It is true that the writers sometimes adopted a semi-religious method of presentation. For example, we find dialogues at the gate of Heaven, letters passing between the pope and the devil, and a notable visit of St. Peter to earth. In the latter case, however, the report which the saint carries back to Heaven deals chiefly with the bad manners of the children, the difficulties of the servant problem, and other similar worldly themes. The same impression of predominatingly secular interests may be derived from the various lists of complaints drawn up by the German diets.

Whether we are more worldly than previous generations or not, is a question which I have no desire to consider here. We certainly are not so anxious as our forefathers to give a distinctly religious sanction to our secular affairs. Formerly nations negotiated with one another explicitly in the name of the Lord. The Act of the Congress of Vienna was concluded in the name of the "Most Holy and Indivisible Trinity." This does not, however, mislead us for a moment into supposing that the partition of Saxony and the assignment of Poland to the Czar were due wholly, or even chiefly, to religious motives. Ecclesiastical forms and phraseology prevailed in the Middle Ages and continued to prevail long after, and this fact may have served to obscure the essentially worldly interests of those who adhered to a conventional type of expression.

The development of political economy and sociology has attracted our attention to a new class of historical sources and is influencing our interpretation of those that have long been familiar to scholars. Another comparatively modern discovery, that of the law of historical continuity, is likely to work a fundamental change in our explanations of the Protestant Revolt. Formerly writers accounted for the Lutheran movement by so magnifying the horrors of the preëxisting régime that it appeared intolerable

and its abolition consequently inevitable. Unfortunately, this crude solution of the problem proved too much; for conditions were no worse immediately before the revolt than they had been for centuries, and a new theory was logically demanded to explain why these conditions had failed to produce a change long before it actually occurred.

In spite of the harsh criticism to which Janssen's great work on Germany in the sixteenth century<sup>1</sup> has been subjected, it is unquestionably the most important single contribution to the subject during the past thirty years. It has already profoundly and beneficently affected our conception of the whole movement. It has shaken the Protestants from their dogmatic slumber and supplied most important data to the scientifically disposed. The first volume is by far the most important, for it treats of the antecedents of the conflict and of the conditions in Germany during the fifty years preceding Luther's secession from the Roman Church. It is just this period which has been most consistently neglected, in spite of its supreme importance. Protestant writers earlier contented themselves with a brief caricature of the church, a superficial account of the traffic in indulgences, and a rough and ready assumption, which even Köstlin makes, that the darkness was greatest just before the dawn.

It was not left, however, for Janssen to give us our first insight into the spiritual life that prevailed during the latter part of the fifteenth century and the early part of the sixteenth. A humble, patient Bohemian priest, Hasak, set to work, to the great credit of his church, to bring together the devotional works published during the seventy years succeeding the invention of printing.<sup>2</sup> A consideration of his remarkable collection of tracts cannot fail to make a deep impression upon the reader who is familiar only with the conventional Protestant introductions to the Reformation. Everyone

<sup>1</sup> *Geschichte des deutschen Volkes seit dem Ausgange des Mittelalters* (Freiburg im Br.). The first and perhaps the most important volume, dealing with the conditions in Germany before the opening of the Lutheran Revolt, has reached the sixteenth edition. The last half of the work, Vols. V.-VIII., relate to the conditions before the opening of the Thirty Years' War. Of late years the successive editions have been edited by Ludwig Pastor, who is now editing in addition a series of monographs, *Erläuterungen und Ergänzungen zu Janssens Geschichte des deutschen Volkes*. Three volumes of these monographs have appeared since 1898 and correspond in the field of Roman Catholic scholarship to the long series of *Schriften des Vereins für Reformationsgeschichte*. The English translation of the earlier part of Janssen's work published by Herder in St. Louis unfortunately omits in great part the notes and references which form such a valuable adjunct in the German editions.

<sup>2</sup> *Der christliche Glaube des deutschen Volkes beim Schluss des Mittelalters dargestellt in deutschen Sprachdenkmälern, oder fünfzig Jahre der deutschen Sprache im Reformationszeitalter von 1470-1520*. (Regensburg, 1868.)

knows that one at least of these older books, *The German Theology*, was a great favorite of Luther's, but there are plenty more in Hasak's collection which breathe the same spirit of true piety and spiritual emulation.

Building upon the foundations of earlier contributions, like those of Hasak and other Catholic writers, who have been pretty much neglected by the Protestant historians, Janssen produced a monumental work in defense of the German Church before the Lutheran Revolt. Instead of the usual dark picture in which all that was worthy is carefully suppressed or ignored and only the vicious and deservedly unpopular features of the ecclesiastical régime are emphasized, Janssen exhibits the great achievements of the latter part of the fifteenth and the early part of the sixteenth century in art and literature, in the material prosperity of the towns and the spiritual life of the people. It may well be that his picture is too bright, and that in his obvious anxiety to prove the gratuitous character of the Lutheran innovations and the needlessness of an ecclesiastical revolution he has gone to the opposite extreme from the Protestants.

Yet this rehabilitation of pre-Reformation Germany cannot but make a strong appeal to the unbiased historical student, who naturally suspects that the same sort of misapprehension underlies our traditional description of the antecedents of the Protestant Revolt as underlies the old-fashioned accounts of the *ancien régime* in France. It was once commonly assumed that the French Revolution was due to conditions which were constantly growing worse, and hence more intolerable. The sources were exploited with this theory in mind. Any signs of ease, justice, or general contentment were overlooked or dismissed with a perfunctory allusion, while scandals of the court and the darker pages of Arthur Young were fondly cherished as furnishing the key to the great revulsion. It is now clear that the *ancien régime* has been treated with great unfairness. The good in the Revolution surely did not, in violation of the great law of historical continuity, come into existence all at once and without preparation. It should be the constant purpose of the historian who believes in this law to show that the Revolution, in the sense of a permanent reformation of the French government, was not the result of a frenzied rejection of what had gone before, but was the natural outcome of preceding conditions and convictions. In one sense the French Revolution, regarded as a permanent reform of earlier institutions, was practically completed by the end of 1789. It is the historian's business to show how, in view of the earlier development of public opinion, this seemingly abrupt metamorphosis of France was really gradual.



Now, in the same way we should approach and seek to explain the success of the Protestant Revolt. Outwardly it would seem to have begun when Luther finally made up his mind to burn the law and constitution of the church at the end of 1520 — an act comparable to the storming of Fort Sumter. But neither Luther's act nor the firing in Charleston Bay would have meant much had it not been for a long-elaborated public sentiment, which gave to each its historical significance. We should, therefore, to take a single instance, rejoice in the proof that Hasak and Janssen furnish of the continuity of spiritual life in Germany. The popularity of the earlier editions of the Bible is a far better explanation of the vogue of Luther's translation than the old mistaken assumption that Luther was practically the first to bring the Scriptures to the attention of the people. The constant appearance of little manuals of devotion and piety before Luther began to write his tracts serves better to explain the influence of Luther's words than the assertion that the German people were given over to mere superstition and ceremonial rites. To Janssen belongs the great credit of first illustrating the great good which must come of a careful and sympathetic study of the whole civilization of Germany in the fifteenth century.

Of the newer general accounts of the Lutheran Revolt, that of Bezold<sup>1</sup> is distinguished by its author's breadth of interest and fairness of attitude. It comes pretty near being a really satisfactory popular treatment of the subject. The entire absence of references to the authorities is, however, an unpardonable omission in the eyes of the more exacting student. One never takes up a volume of the really noble series edited by Professor Oncken, to which this belongs, without a feeling of astonishment that such distinguished scholars should have consented to devote years of labor to an enterprise deliberately planned so as to exclude all gratification of the scholar's legitimate desire to sanction his statements by appealing to the sources. The fifth volume of Creighton's monumental *History of the Papacy* gives a brilliant review of the period we are considering. The ninth volume of Hefele's *Conciliengeschichte* as continued by Cardinal Hergenröther<sup>2</sup> is on the contrary distinctly disappointing.

Maurenbrecher himself undertook to remedy some of the deficiencies in the current conceptions of the Reformation by a study of the conservative movements toward reform.<sup>3</sup> The single volume

<sup>1</sup> *Geschichte der deutschen Reformation*, 1890.

<sup>2</sup> Freiburg im Br., 1890.

<sup>3</sup> *Geschichte der katholischen Reformation*, Erster Band (Nördlingen, 1880).

which he brought to completion must be reckoned among the most important of the secondary sources for the time. In spite of its incompleteness, it emphasizes a movement almost consistently neglected by Protestant writers. It is to be hoped that some scholar of Maurenbrecher's amiable temperament will undertake the task which he scarcely more than planned.

Luther himself can now be studied far more conveniently than was possible a generation ago. The handsome Weimar edition of his works, already well under way, has not only the advantage of critical editing but, owing to its strictly chronological arrangement, it meets the needs of the historical student as none of the older editions do.

In Ender's new edition of Luther's *Letters*<sup>1</sup> those sources are brought together that enable us to penetrate most deeply into the man's conflicting emotions. In the *Letters* we can trace Luther's halting development, surprise all his inconsistencies of mood, and convince ourselves of his fundamental consistency of religious feeling. From the *Letters* we can readily convince ourselves of his multiform greatness, of his bravery and his heroic pertinacity. At the same time we see clearly how constantly he gave offense even to the less ardent adherents of his cause, to say nothing of those who were sincerely in doubt as to the righteousness of his attack.

Among the biographies of Luther published during the last twenty-five years that of Köstlin<sup>2</sup> holds a deservedly high place. He views his hero mainly in the light of a theologian and religious reformer, but treats him as objectively as one who is a devout Lutheran well can. In Kolde's shorter life<sup>3</sup> there are valuable hints, the outcome of his special researches in this field. His object is to "sketch Luther against the background of the general development of his nation." In an earlier work<sup>4</sup> Kolde casts much light upon the influences, especially that of Staupitz, which promoted Luther's earliest discontent with the existing ecclesiastical system. English readers have now in Beard's *Martin Luther*<sup>5</sup> a successful account of the reformer's early life and a more adequate account of the conditions in Germany at the opening of the sixteenth century than has hitherto been at their disposal.

<sup>1</sup> *Dr. Martin Luther's Briefwechsel, bearbeitet und mit Erläuterungen versehen* (Frankfurt am M., 1884). Uniform with the Frankfurt-Erlangen edition of Luther's works.

<sup>2</sup> *Martin Luther, sein Leben und seine Schriften*. (3d ed., 1883.) An abridgment of this work in one volume has been translated into English.

<sup>3</sup> *Martin Luther, eine Biographie*.

<sup>4</sup> *Die deutsche Augustiner-Congregation und Johann von Staupitz*. 1877.

<sup>5</sup> The author unfortunately did not live to complete his work, which breaks off at the close of the Diet of Worms.

The most recent and in several respects the most novel of the lives of Luther is that of Arnold Berger,<sup>1</sup> whose chosen field of work is literature, not history or theology. He regards the Protestant Revolt as "a gigantic struggle against the culture of the preceding thousand years." He would bring Luther's work into its relation with the *Laienkultur*, for this he believes to be the decisive but consistently neglected element in the general situation.

Berger prefaces his biography with a little volume called *The Culture Problems of the Reformation*,<sup>2</sup> in which he sketches the dominant ideas of the Middle Ages, dealing especially with the historical significance of the three great words, church, asceticism, and Augustinism. The advantage of such an introduction is obvious, for even if it adds nothing to the knowledge which is scattered about in a number of standard works, it presents better than any book with which I am familiar the elements that reveal the terrific meaning of the struggle in which Luther and his followers engaged. Berger recognizes more fully than most Protestant writers the all-comprehending influence of the church, which, as has been said, is too often represented as simply a religious organization. Berger's work is, however, but a suggestion of the great prolegomenon which must some time be written if we are ever to understand the Lutheran Revolt. We really know far too little as yet of the actual workings of the church before the Protestant schism. Even the ways in which it performed its religious functions are only recently becoming tolerably clear. We are really only just beginning to suspect the implications of that tremendous term—the *Medieval Church*, and so long as that term is not comprehended in all its bearings, no one can do more than guess at the real issues of the supreme conflict which led to the permanent disruption of the great international ecclesiastical state which the Roman Empire bequeathed to the Middle Ages.

Besides the Lutheran literature in the narrower sense of the word, we have an ever-increasing number of the biographies and letters of Luther's contemporaries; for instance, Reuchlin, Hutten, Erasmus, Butzer, Scheurl, Pirkheimer, Cochläus, Link; and we know far more of the Humanists than we once could. We are blessed with two editions of Mutian's letters,<sup>3</sup> but it is a pity that we should still be without a modern and critical edition of those of Erasmus.

<sup>1</sup> *Marin Luther in Kulturgeschichtliche Darstellung*. Erster Teil (1483–1525), Berlin, 1895. Zweiter Teil, erste Lieferung (1525–1532), 1898.

<sup>2</sup> *Die Kulturaufgaben der Reformation, Einleitung in eine Lutherbiographie*. Berlin, 1895.

<sup>3</sup> One edited by Krause (Kassel, 1885) and a second by Gillert (Halle, 1890).



Special questions have been the subject of monographic treatment in innumerable doctor's theses, dissertations, and in the learned journals and local historical reviews. Tetzels and indulgences have alone called forth a shelf-full of books. Mr. Henry C. Lea has reconsidered this matter and incorporated the Tetzel incident in a most elaborate and exhaustive consideration of the whole matter of confession and indulgences.<sup>1</sup>

In quite another phase of the subject, namely, the agrarian and industrial discontent and agitation, a needed revision of the older ideas is being undertaken by the Socialistic German writers. Assuredly one can hardly grudge poor Münzer and the Anabaptists a good word, for tradition has painted no one in blacker colors. The impartial student may well have guessed that they have hardly been given their due, even before he opens Kautsky's *Forerunners of Modern Socialism*.<sup>2</sup>

In conclusion, it is clear that a great deal has been done during the past thirty years to remedy those deficiencies of earlier writers which Maurenbrecher pointed out. Our conception of the Protestant movement has been broadened and corrected; there is no longer any excuse for failing to realize the complex character of the revolution or to form a tolerably just estimate of those who aided it and those who opposed it, as well as for largest class of all — those who looked on and refused to take sides.<sup>3</sup>

JAMES HARVEY ROBINSON.

<sup>1</sup> *A History of Auricular Confession and Indulgences in the Latin Church*. 3 vols., Phila., 1896.

<sup>2</sup> *Die Vorläufer des Neueren Socialismus*. Stuttgart, 1895.

<sup>3</sup> After completing this paper I came with pleasure upon this passage: "There has been a natural tendency to regard the Reformation as solely a religious movement; but this is an error. In the curious theocracy which dominated the Middle Ages, secular and spiritual interests became so inextricably intermingled that it is impossible wholly to disentangle them; but the motives, both remote and proximate, which led to the Lutheran revolt were largely secular rather than spiritual." Henry C. Lea in *The Cambridge Modern History*, I. p. 653.

## GENEVA BEFORE CALVIN (1537-1538). THE ANTECEDENTS OF A PURITAN STATE

AN examination of the conditions in Geneva before Calvin's arrival in August, 1538, is a logical introduction to a comparative study of the ideals, the development and the practices of the Puritan state in Geneva, and in New and old England.

The problems which present themselves to the investigator of any phase of Puritanism can be satisfactorily answered only after patient investigation of the development of each of these three Puritan states, and careful discrimination between conditions in different states and at different periods. The far-reaching questions involved in the study of the rise of modern democracy, the results of the Protestant Revolt, and the causes of the French Revolution demand the same careful comparative treatment. Is there any tangible, historically demonstrable, relation between the two revolts? What contribution was made by the Puritan state, on the one hand, to the development of liberty, self-government, democracy, equality, right of revolution, spirit of free inquiry, higher moral and social sense; and, on the other hand, to the development of inquisitorial government, intolerance, aristocracy, hypocrisy, individualism, barren intellectuality? In the Puritan commonwealths of the sixteenth and seventeenth centuries, what were the respective functions and relative powers of State and Church, and the theoretical and the actual basis of membership in each? What was the Puritan attempt at solving the perennial problems of national expansion and treatment of subject classes or peoples, federation and rights of local self-government? What were the distinguishing characteristics, and the measure of success and failure in each Puritan state? Is there any fundamental unity of aim and method in the Puritan commonwealths that distinguishes them from other states? What enduring contributions for good and ill did the Puritan state make? These are some of the problems that arise and demand historical and comparative treatment in order to be answered.

To such a comparative study, this investigation of the history of Geneva before it came under Calvin's influence is a necessary preliminary. Geneva was at once independent, Protestant and republican. No other state possessing these characteristics has both so

early an origin and so wide an influence. The city is small enough to make possible a clear picture of the beginnings and organization of a Protestant republic; and on most points there is ample contemporary evidence. Yet Genevan history, and especially the period before Calvin, has never in English been treated with accuracy and fullness.<sup>1</sup>

Geneva, with its mass of contemporary documents in manuscript and print, presents the material for a fascinating study of the genesis of a state, a bit of historical investigation with all the charm of biology. There are almost daily records of the legislative, judicial and executive acts of the civil authority, weekly records of church discipline, and memoranda of pastors' meetings.<sup>2</sup> The actors in the struggle, the picturesque Bonivard,<sup>3</sup> "Prisoner of Chillon," the tolerant Syndic Balard,<sup>4</sup> the hot-blooded reformer Fromment,<sup>5</sup> the Calvinistic secretary of the council Roset,<sup>6</sup> the graphic nun in

<sup>1</sup> No modern and scholarly history of Geneva, even in the time of Calvin, exists in English. The histories of Spon (trans. 1687) and of Lemerrier ("Boston, New England, 1732") are quite out of date. Henry's *Life of Calvin*, still the most scholarly available in English (translation from the German), was finished in 1844, before the publication of the important documents and secondary works named below, and is distinctly favorable to Calvin and inadequate regarding Genevan institutions. The accounts in Baird's *Besa* and in Schaff's *History of the Christian Church* are modern, but from their nature give but little on the history of Geneva. The influence and importance of Geneva have been in English more eulogized than traced.

<sup>2</sup> At the *Archives d'État* in the Hôtel de Ville, especially useful are: the invaluable *Registres du Conseil* from 1409, containing records of meetings of all four councils, including discussions, votes, elections, laws, trials; the 5,319 *Procès Criminels et Informations* (indexed), A. D. 1396-1700; the *Pièces Historiques*, A. D. 934-1813, containing 5714 indexed numbers (*pièces* or *dossiers*), acts, diplomatic documents, etc. The almost illegible *Registres du Consistoire*, beginning Feb. 16, 1542, are at the *Consistoire* of Geneva; the carelessly kept memoranda of the *Compagnie des Pasteurs et Professeurs*, with many *lacunae*, from 1546, at the same building. (See H. V. Aubert's article in *Bulletin de Soc. d'Hist. et d'Archéol. de Gen.*, II. 3, p. 138, ff. (1900).) The first four volumes of the *Registres du Conseil* (1409-1461) have been published by E. Rivoire (Geneva, Kündig, 1900). Extracts, with some documents in full, are printed in Turretini and Grivel, *Les Archives de Genève, Inventaire des Documents Contenus dans les Portefeuilles Historiques et les Registres des Conseils*, 1528-1541, Geneva, 1877. A considerable number of extracts from the *Registres* are to be found in: Grenus, *Fragmens Biog. et Hist. sur Genève* (1815); the appendix (219 pp.) of Revilliod's ed. of Fromment; Cornelius, *Hist. Arbeiten*; Rilliet et Dufour, *Le Prem. Cat. Franç. de Calvin*, 1537 (1878); Herminjard, *Corr. d. Ref.*; and the valuable "Annales" (*Calv. Opera*, XXI.); the last four with modern accuracy. Full titles below.

<sup>3</sup> F. Bonivard, *Chroniques de Genève* (to 1531), (Ed. Revilliod, 1867); also his *Advis et Devis de l'Ancienne et Nouvelle Police de Genève* (1560), (1847). The place of publication is Geneva unless otherwise indicated.

<sup>4</sup> J. Balard (Le Syndic), *Journal ou Relation des Événements qui se sont passés à Genève de 1525 à 1531*. (*Mem. et Doc. de Soc. d'Hist.*, X. [ed. Chaponnière], 1854.)

<sup>5</sup> A. Fromment, *Les Actes et Gestes Merveilleux de la Cité de Genève*, etc. (1532-1536 [ed. Revilliod], 1854.)

<sup>6</sup> Michel Roset, *Les Chroniques de Genève*. (Ed. Henry Fazy, 1894.)



exile Jeanne de Jussie,<sup>1</sup> with their varied points of view, describe with dramatic power the scenes they witnessed. The reformers in their almost daily correspondence give a more personal record of motives as well as acts.<sup>2</sup>

The following preliminary sketch may serve to outline with some historical perspective two things:

1. The development of Genevan political independence (1387–1536) and religious reform (1532–1536).
2. The resulting institutions and character before Calvin's arrival in August, 1536.

After the varied fortunes of an ancient Roman and a medieval imperial city, Geneva, at the close of the thirteenth century, was under the threefold government of bishop, *vidomne*, and commune. The bishops, in times of shifting political power, had, by feudal concessions, become the lords (*dominus*) of the city under the emperor as suzerain. The *vidomne* was the bishop's deputy (*vicedominus*) for the execution of temporal justice. At the close of the thirteenth century, the house of Savoy after long conflict had won the feudal office of *vidomne*, which it held of the bishop nearly two centuries and a half (1290–1525). Lastly, the commune, the body of citizens, elected its syndics possessing limited administrative powers.

<sup>1</sup> Jeanne de Jussie, *Le Levain du Calvinisme, ou Commencement de l'Hérésie de Genève*. (Chambéry, about 1640. With notes by Grivel and Th. Dufour, 1865.)

<sup>2</sup> Two invaluable pieces of patient scholarship: Baum, Cunitz, and Reuss, *Calvini Opera*, 59 quarto vols. (Braunschweig, 1863–1900.) Vol. XXI., under head of "Annales," contains extracts from Registers of Council and Consistory and other documents; Herminjard, *Correspondance des Reformateurs dans les Pays Français*. (9 vols., 1886–1897.) Many extracts from documents in notes.

Some of the most valuable secondary authorities, based on documents, are: A. Roget, *Les Suisses et Genève ou l'Emancipation de la Communauté Genevoise au 16<sup>e</sup> Siècle* (2 vols. in 1, 1864); *Histoire du Peuple de Genève depuis la Réforme jusqu'à l'Escalade* (7 vols., 1870–1883). Extends only to 1568.

J. A. Gautier (Sec. d'État, 1684–1695, 1698–1700), *Histoire de Genève des Origines à l'Année 1691*. (5 vols., 1896 to 1902; now appearing under auspices of Soc. d'Hist. de Genève, with scholarly notes.)

Chas. Borgeaud, *Histoire de l'Université de Genève*, I, L'Académie de Calvin, 1559–1798. (1900.)

E. Choisy, *La Théocratie à Genève au Temps de Calvin*. (1897.) *L'État Chrétien Calviniste à Genève au Temps de Theodore de Bèze*. (1902.)

C. A. Cornelius, *Historische Arbeiten vornehmlich zur Reformationszeit* (Part IV., *Zur Geschichte Calvins*, 1536–1548, pp. 105–557). (Leipzig, 1899.)

F. W. Kampschulte, *Johann Calvin seine Kirche und sein Staat in Genf*. (Leipzig, 1869, Vol. 1; Vol. 2, ed. by W. Goetz, 1899, after author's death.)

*Memoires et Documents de la Société d'Histoire et d'Archéologie de Genève* (27 vols., 1840–1901), and the *Bulletins* of the same Society (1891 and after) are of very great value.

Some of the *Bulletins* de l'Institut National Genevois contain studies of documents.

Both Gaberel (*Histoire de l'Église de Genève*) and the two Galiffes (*Materiaux*, etc., *Nouvelles Pages*, etc.) are unfortunately disfigured by partizanship, Gaberel by inaccuracy.

The commune had sufficiently developed its rights and power by 1387, to win from the prince-bishop the "*franchises*," the Magna Charta of Geneva, which gave the dignity of law and written constitution to the existing customs.<sup>1</sup> These *franchises* confirmed the right of the citizens to elect four syndics and four other citizens, who together should have entire cognizance of criminal trials of laymen, unless the bishop evoked the cause or pardoned the offense. The four syndics also possessed police powers of the city by night, with watchmen to enforce their orders; investigated and prosecuted violation of the *franchises*, and received the oaths of the bishop and his officers to respect this charter. The bishop as prince had the rights of appeal, pardon, and coining money. His feudal deputy, the *vidomme*, exercised the temporal functions of guarding and executing prisoners and of presiding over an inferior civil court.<sup>2</sup>

The communal records of the next century and a half (1387-1536) show marked skill in municipal housekeeping and in defense and extension of rights of self-government. Besides the primary assembly of all citizens (*consilium generale*), which elected syndics and acted upon treaties, three indirectly representative councils were developed: the little council (*consilium ordinarium*, or *petit conseil*), the administrative body; the council of sixty, for diplomatic affairs; and the council of two hundred established in 1527 on the model of that of the new allies, Freiburg and Bern, and gradually replacing the sixty.<sup>3</sup> There is a strong spirit of independence toward the aggressive Duke of Savoy and even the bishop. But the records also reveal an interesting tendency to concentrate power in

<sup>1</sup> The Latin text of the *franchises* ("*Libertates, franchises, immunitates, usus et consuetudines*") is printed in parallel columns with the instructive French translation of 1455, with a valuable introduction by E. Mallet, in *Mem. et Doc. de Soc. d'Hist. et d'Arch. de Genève*, II. 271-399. For a brief résumé, see his "Coup d'Oeil Historique et Descriptif sur le Canton de Genève" (B. C. 58-A. D. 1847) in Vol. II. of *La Suisse Historique et Pittoresque* (1855-1856; also separately 1856).

<sup>2</sup> Articles 1, 8, 11-14, 22, 23, 68.—Bonivard gives a graphic account of *vidomme's* origin and methods, and of the "everlasting" process of appeals to bishop, metropolitan (Vienne) and pope, in his *De l'Ancienne et Nouvelle Police de Genève* (1560), pp. 3, 8, 22 (ed. 1847). The *franchises* are remarkably liberal and progressive. Interest taking was recognized and protected in four of these articles granted by a bishop of the Roman Church nearly a century and a half before Calvin wrote his luminous defense of interest taking; art. 34, 35, 39, 77. Calvin's "De usuris" is in *Calvini Opera*, X. Part I., 245-249.

<sup>3</sup> Rivoire, *Registres du Conseil de Genève*, I. The *consilium generale* and *consilium ordinarium* appear in the earliest extant records; viz., 1409, pp. 2-6. The *consilium ordinarium* consisted at first of sixteen, later of twenty-five, and included the four new and the four old syndics, the treasurer, and eight (later sixteen) councillors. *Ibid.*, 28, 49, etc. The council of fifty (numbered later sixty) was established 1457. *Ibid.*, 167. For council 200, see Gautier, *Hist. d. Genève*, II. 240; Bonivard, *Chron. d. Gen.*, I. IV. C. 10. For fuller statement of functions of councils see writer's review of Rivoire, *Registres du Conseil*, AM. HIST. REV., April, 1902, p. 547.

the hands of a smaller number of citizens, a sort of open administrative aristocracy of experience. This tendency was recognized at the time, and occasionally thwarted by the primary assembly's assertion of its rights. The council of sixty (or fifty), and later that of two hundred replace the general assembly in delicate matters.<sup>1</sup> In the choice of the councils there is also the same tendency to a less direct election and a more complex coöptation. For example, the election of the council of fifty is transferred from the primary assembly to the little council in 1459;<sup>2</sup> the little council, originally chosen by the popularly elected syndics is, from 1530, elected by the two hundred, and the two hundred by the little council.<sup>3</sup> Aristocratic tendencies in Geneva appear not with Calvin, but during the three generations preceding his arrival.

The first step in the emancipation of Geneva was the struggle against Savoy. This ambitious house, already possessing the office of *vidomne*, and intriguing throughout the fifteenth century to dominate both bishop and commune, excited the latter's bitter hostility in 1519 by the execution of Berthelier, who thus became the early martyr for Genevan liberty. After an apparent triumph in 1525, the Duke of Savoy left the city. In spite of persistent attack and intrigue neither he nor any member of his house was to enter Geneva again. Against Savoy, Geneva appealed to the Swiss, and in 1526 concluded to close political and military alliance with Freiburg and Bern.<sup>4</sup>

In 1528, the council refused to accept the *vidomne* nominated by the duke, instead of by the bishop as prescribed by the *franchises*.<sup>5</sup> In the absence of any *vidomne*, the council of two hundred assumed

<sup>1</sup> For fifty see Rivoire, *Registres du Conseil*, I. 178, 181-187, 217-218, 288; for two hundred, see acts, cited later, and Mallet, in *La Suisse Hist. et Pittoresque*, 552.

<sup>2</sup> Rivoire, *Registres du Conseil*, I. 288. After failing in 1458, the two smaller councils succeed in 1460 in nominating syndics for election by primary assembly. See *ibid.*, 258-259, 262-263, 386, 390.

<sup>3</sup> H. Fazy, *Constitutions de Genève*, 37-38. Bonivard, *De l'Anc. et Nouv. Police*, 19-22 (1847). For example of election of council by syndics, see Rivoire, *Registres du Conseil*, I. 49, 108, 265-266. For primary assembly's assertion of rights in 1458-1460, see Rivoire, *ibid.*, 258-259, 263 (elections); 303 (meetings and right of complaint); 395-396, 463-465, 468 (taxes). For acts of 1518, 1534, see p. 237, note 2.

<sup>4</sup> This *combourgeoisie* (following that with Freiburg in 1519), renewed with Bern 1558, and 1584 (with Zürich added), was the preliminary to the entrance into the Swiss Confederation, 1814. The Genevan party of independence in 1526 were named *Eidgenoots* in imitation of their Swiss confederates (*Eidgenossen*). (Treaty in Archives, *Pièces Hist.*, No. 964; reprinted in Gautier's ed., Spon (1730), "Preuves.")

<sup>5</sup> The decision was taken successively according to Genevan custom in important matters, by the syndics (May 24), the fifty and the two hundred (June 9), and the primary assembly (*consilium generale*) (June 14, 1528). See Roget, *Suisses et Genève*, I. 298-299, 301; and Balard, *Journal*, 167-169.

the authority for the execution of a criminal in 1528;<sup>1</sup> and in the following year the primary assembly (*consilium generale*) replaced the *vidomne* by a *lieutenant de justice* and four *auditeurs*.<sup>2</sup>

There remained the power of the vacillating and absent prince-bishop, who, in 1528, had gone over from the side of the commune to that of the Duke of Savoy. After an absence of six years, the bishop was persuaded to return, but after less than two weeks' residence, and in spite of the earnest request of the syndics to aid them in quieting the violent disturbances between Catholics and "Lutherans," he took a hurried departure from the city the night of July 14, 1533, never to return. A month later the syndics denied the right of the bishop to appeal from their decision in criminal cases, saying "we have no superiors." Before the end of the following year, the primary assembly and the two hundred concurred in denying the bishop's right of pardon; the little council declared at the close of a theological dispute that "the sole power was the word of Christ and the sword which he has committed to the powers"; and the syndics and council voted, Oct. 1, 1534, that the episcopal see must be considered vacant.<sup>3</sup>

From the end of July, 1534, Geneva was fighting to maintain, against the attacks of both duke and bishop, its declarations of independence. The task called for great sacrifice and energy. Bells were melted for cannon, and the suburbs (*faubourgs*) which enabled the enemy to approach were destroyed, in spite of repeated objections of property owners.<sup>4</sup> Men, if we may believe Fromment, went to church and worked on the fortifications with arms in their hands.<sup>5</sup> The duke prohibited all sales to Genevans, and the bishop any communication with them.<sup>6</sup> The Genevans displayed as keen mettle in war as they had in politics, and with the aid of Bern once more showed themselves too strong, too capable of self-sacrifice, for duke and bishop.

<sup>1</sup> Roget, I. 303; Balard, *Journal*, 173.

<sup>2</sup> 14th Nov., 1529. Roget, I. 341-342.

<sup>3</sup> Aug. 8-12, 1533; Feb. 8, July 24, Oct. 1, 1534. Roget, *Suisse et Genève*, II. 76; Gautier, *Hist. d. Gen.*, II. 407; Roget, II. 103, 110, 125.

<sup>4</sup> The four *faubourgs* were: de Rive, St. Victor, St. Leger, the Corraterie. (E. Mallet, *Rech. sur Pop. de Gen.*, p. 8.) Aug. 23, 1534, two hundred sanctioned order of little council; Roget, *Ibid.*, II. 118 ff. Oct. 25, 1535, indemnity for loss voted. Feb. 28, 1536 (*Registres du Conseil*, Vol. XXIX., fol. 33), the two hundred repeated order and gave permission to anyone to carry off any property (*biens*) to be found. Delayed cases were recorded in Feb., 1537. This destruction of property, and the loss of trade through the duke's prohibition entailed much poverty and suffering in Geneva.

<sup>5</sup> *Actes et Gestes Merveilleux*, Ch. 44.

<sup>6</sup> Talking or trading with, or serving, favoring or visiting city under pain of excommunication and 25 *livres*: June 13, 1535, Roget, *S. et G.*, II. 146. This episcopal excommunication preceded by two months the prohibition of the mass by Geneva.



Up to 1533, the struggle had been political, against the duke and bishop as temporal rulers hostile to Genevan chartered rights. But there was another ground for objecting to the régime of the ecclesiastical prince. "There were," says a recent Catholic writer on Geneva, "real and evident abuses to be noted among the Catholics and even among the higher clergy . . . and above all among the monks."<sup>1</sup>

But the records plainly show that it was to her ally and protector Bern that Geneva owed not only the preaching, but the final adoption of the Reformation. Bern, which had adopted the reform in 1528, naturally sought to increase her influence with her ally by introducing it into Geneva. In 1532 the desire for reform already existing there was stimulated by the impetuous preaching of Farel and Fromment, the former armed with a letter from Bern. This move was promptly met by complaints by Geneva's other Swiss but Catholic ally, Freiburg, and by the papal nuncio.<sup>2</sup> For more than three years the skilful councils tried to pursue a middle course between the demands of the two allies, and between the two extreme parties within the city. It is one more instructive picture of the impossibility of that generation's remaining neutral. The mettlesome city that had overthrown the power of the Duke of Savoy might engage to remain loyal to the Catholic faith,<sup>3</sup> might forbid preaching unauthorized by the vicar, or "any innovations," and expel preachers; might even vote that "in this matter ('the holy sacraments of the church') each one shall be left in liberty according to his conscience,"<sup>4</sup> but when Geneva had seen her prince-bishop

<sup>1</sup> *Mem. et Doc. pub. by l'Académie Salésienne*, Tome XIV. (Annecy, 1891, "Permis d'imprimer, 8 Oct. 1890, ✕ Louis, Evêque d'Annecy."), pp. 175-176. On this point, there is substantial agreement between Catholic and Protestant historians; compare the nun, Jeanne de Jussie, *Le Levain de Calvinisme*, etc., and Kampschulte (*Calvin*, etc., I. 90-91, 169-170) with the accounts in Bonivard, *Chron.*, I. 90, and the extracts from records in appendix to Revilliod's edition of Fromment, *Actes et Gestes*, etc., esp. pp. ci-cv.

<sup>2</sup> Herminjard, *Correspondance des Reformateurs*, etc., II. 421-426; June 24 and July 8, 1532.

<sup>3</sup> *Ibid.*, II. 382. Letter and embassy of Geneva to Freiburg July 6, 1532. They disclaim any intention to go over to "*Luthererie*" or the "*novam legem*." It is curious to find the term "Calvinism" applied to Geneva before Calvin's arrival or the publication of his *Institutes*, by an ardent contemporary Catholic born in Geneva, Andrea Cordoino, "*Relazione di Genevra—particolarmente dall'anno 1535 che ni fù introdotto il Calvinismo*" (1624); Archives of Turin (Geneva, Paquet, 14°, No. 7). Lutheran is the contemporary term of Jeanne de Jussie and of Catholics in Geneva and Freiburg.

<sup>4</sup> The series of votes is significant. June 30, 1532, the council voted: "Regarding him who preaches the gospel, ordered that for the present the master of the schools (*magister scholarum*) cease reading the gospels and that the vicar (*dominus vicarius*) be requested to order that in all the parishes and convents they preach the gospel and epistle (*epistolam*) of God according to truth, without mingling with it any fables or other human inventions; and that we live in harmony as our fathers have done without any in-

abandon his post, excommunicate her citizens and send soldiers against them, she naturally denied his spiritual as well as his temporal authority.<sup>1</sup> When the choice was forced upon her by her two opposing allies and by the parties fighting within the city, Geneva declared against bishop and papal abuses and in favor of Bern and the "Word of God," two authorities which could be appealed to against both ecclesiastical domination and corruption.<sup>2</sup>

ventions." Herminjard, *Corr. de Ref.*, II. 425, n. 2. Jan. 2, 1533, after Fromment's attack on Catholicism and declaration that he "would obey God rather than man," the council of two hundred voted: that no one should preach in public or private without the permissions of the syndics and vicar, the syndics to arrest if the vicar neglects his duty. They also voted "because many demanded the word of God" that a preacher who was a Catholic but held evangelical views should preach until Lent. (Roget, *S. et G.*, II. 36; Kampschulte, *Calvin*, I. 122-123.) Mar. 30, 1533 (after letters from Bern urging protection of gospel, Mar. 25, and a street fight between Catholics and Lutherans, Mar. 28), the council of two hundred proclaimed a truce on following conditions: (1) general amnesty; (2) "live in good peace and union with observation of the commandments of God, and as we have lived in the past, without introducing innovations in word or deed, until it be generally ordered to live otherwise"; (3) "no one shall be so presumptuous or hardy as to speak against the holy sacraments of the church but in this matter each one shall be left in his liberty according to his conscience without reproaching one another, be he ecclesiastic or laic, whatever the subject be"; (4) preaching only by license of the "Superior and Messieurs the Syndics and Council"—and the preacher shall say nothing which is not proved by "the Holy Scripture"; (5) no one to eat meat Friday or Saturday or do anything to "scandalize"; (6) no partizan songs touching faith and law; (7) oath to obey regulations under penalty of fine, with added imprisonment and banishment for repeated offenses; (8) no renewal of quarrels; (9) wives and children were to be notified and hostages were exchanged.—*Registres du Conseil*, Vol. XXVI., fol. 52 (it is in French though *Registres* were in Latin then). Quoted in Roget, *S. et G.*, II. 62-63, and in extracts in appendix to Revilliod's ed. Fromment, *Acts et Gestes*, pp. xxi-xxii. But a month later (May 4) in an armed conflict, a syndic was wounded and a canon (Werly) killed (Kampschulte, I. 130-134).

<sup>1</sup> See above, p. 222 and note 3.

<sup>2</sup> The following summary will suggest the way in which Geneva was forced to take sides with the strongest: Freiburg threatened rupture of the treaty of 1526 if Geneva abandoned old faith and law; to this Claude Salomon (and others) replied Jan. 8, 1534, "he would live according to the Gospel and the Word of God and not the will of man" ("*ad votum evangelicum et juxta verbum dominicum non ad dictum hominum*"), *Registres du Conseil*, Vol. XXVI., fol. 182<sup>vo</sup>. (Salomon was important enough to be appointed the first hospitaller, Nov. 14, 1535; Roget, II. 191.) After Geneva's denial of bishop's right of pardon (Aug., 1533, and Feb. and Mar., 1534), and Farel's seizure of a church and preaching therein the "new law," Mar. 1, 1534, Freiburg broke the alliance May 15, 1534. Bern had sent Farel with letters Oct., 1532; sent ambassadors with him Dec. 1533, and then, and in Feb., 1534, demanded permission for gospel to be preached and complained of insults to herself and her religion by Catholics. Bern met Freiburg's threat of breaking alliance with a similar threat, supported by the powerful argument of a demand for 9,900 *écus*, due for war expenses in defense of Geneva. Under pressure of Bern, council declared (22 Feb., 1534) it could neither grant pulpit nor hinder, "so let them do as they find best." (Roget, II. 99.) Farel preached publicly in seized church Mar. 1, and baptized and married in Apr., 1534. (See Jeanne de Jussie, p. 90.) Images were broken May 23, and thereafter, and the council declared such images should be destroyed according to the law of God, although it punished the unauthorized act of private persons (26th July). The little council declared "The sole power was the Word

The decision forced upon the councils by the riotous image-breaking, in August, 1535, was negative rather than positive, a cautious temporary abolition of the mass without "innovations" or adoption of the reformed faith or worship, but with striking deference to the wishes of Bern. After an appeal by Farel formally to abolish the papal system, the "grand council" of two hundred by a majority vote, and after long discussion, decided: (1) that the priests be called to see if they could justify the use of images and mass; (2) that the destruction of images cease and those pulled down be restored; (3) "in the interim . . . mass should not be celebrated until further notice;" (4) "and that the foregoing be written to the Lords of Bern that upon their response we may proceed more safely."<sup>1</sup> The monks when summoned to justify images and mass said "they were simple men who had lived according to tradition and had never investigated such questions"; and the secular clergy, in accordance with the bishop's prohibition, refused all discussion.<sup>2</sup> The next day, in the little council, "discussion was held as to finding means to set affairs in good order, especially in the matter of the mass, which many ask to have permitted. Whereupon many say that for the present it is better to postpone the matter a little, than to make haste regarding the said mass, since it would be far better to await the will of the Lords of Bern who understand the

of Christ and the sword which he has committed to the powers" (July 24). The bishop waged open war on Geneva (July 30, Roget, II. 155; Kampschulte, I. 154); the council voted, Oct. 1, 1534, the episcopal see must be considered vacant. 1535 a dispute was held by order of the council between the Reformers and two priests, who went over to Protestantism (June). The bishop forbade any communication with Geneva (June); Farel seized church of Madeleine July 23d; and July 30th he replied to council that he "must obey God rather than man," and asked for a session of council of sixty or two hundred. The council refused council and replied to "said Farel and his associates that they should henceforth content themselves with preaching in the Convent de Rive and church of St. Germain, on account of certain good and respectable persons who urge this upon us" ("propter certos bonos Respectabiles nos ad hec monentes"). *Registres du Conseil*, Vol. XXVIII., fol. 98, 30 July. 1535. This is an evidence of the presence and characteristic influence of the conservative element in Geneva. Haller in a letter to Bucer. Sept. 22, 1534, had estimated that two-thirds of Geneva were favorable to pontiff and duke. (Herminjard, *Corr. de Ref.*, III. 209.) Malbuisson was beheaded for making common cause with enemies of city, and a servant executed on charge of attempted poisoning of the reformer Viret (July). Aug. 8, Farel seized and preached in St. Peter's, riotous scenes of image-breaking followed next day, and Aug. 10 council of two hundred temporarily suspended the mass. (*Registres du Conseil*. Vol. XXVIII., fol. 104). For other points in this note without specific references, see the impartial annals (based on the *Registres du Conseil*) in Roget, *Suisses et Genève*, II. 27, 76, 81 ff., 103, 107-110, 125, 154, 160; also Gautier, *Hist. Gen.*, II. 407, 412. The citations of Roget have been constantly verified and, save for dates, found almost invariably trustworthy.

<sup>1</sup> *Registres du Conseil*, Vol. XXVIII., fol. 104, 10th Aug., 1535. *Interim vero ulterius non dirruatur nec celebratur missa donec cognitio et quod scribantur dominis bernatis praemissa ut super eorum Responcionem nos tutius conduere valeamus.*

<sup>2</sup> *Registres du Conseil*, 12 Aug., 1535, quoted in Kampschulte, I. 167-168.

matter more fully.<sup>1</sup> Wherefore it was decided that for the present it be given up for a little ; and that measures be taken to assemble the *consilium ordinarium*, and mature action be taken in the matter, since it seems better for the present to suspend the saying of the mass than to say mass, whence scandal might arise." To Peter Lullin, who requested "that it might be permitted to say mass, as heretofore in this city mass was said, because there are many who wish to have the mass," the council gave a similar temporizing reply, Sept. 2 : "As to this, it was decided that news be awaited from the Lords of Bern that it may be seen in what way it is better to proceed."<sup>2</sup>

The acts and the manner of procedure of the magistrates and councils from August, 1533, to August, 1535, in denying the authority of the bishop and avoiding the Scylla and Charybdis of both mass and image-breaking, are clearly the expression of a political policy, and not of a profound religious conviction. It is the policy of independence, of safeguarding of rights. The council gradually yielded to the strongest and most logical combination against bishop and duke,—Bern and the determined and aggressive party of reform and independence. The Puritan spirit of unflinching enforcement of the word of God was quite absent from the state, which was not yet even formally Protestant in 1535. But though the state, acting through its semi-representative councils, was concerned rather with self-preservation and public order than with religious reform, there was a considerable party with vigorous leaders like Farel and Porral, who had convictions and intended to accept no half-way measures.<sup>3</sup>

The Vicar-General and the few remaining canons, and the Sisters of St. Clara and many of the monks and parish clergy recognized that the papal system was doomed and left the city soon after the mass was abolished.<sup>4</sup>

<sup>1</sup> *Cum forte melius sit expectare voluntatem dominorum Bernatium qui sanius Rem intelligunt. Registres du Conseil*, Vol. XXVIII., fol. 108<sup>vo</sup>, Friday, Aug. 13, 1535. Only 12 names out of the full number of 25 are recorded as present.

<sup>2</sup> *Registres du Conseil*, Vol. XXIX., fol. 120.

<sup>3</sup> Evidence of this is naturally found rather in the correspondence of the reformers than in the acts of the council ; but it is also shown by the successes of Farel in the successive seizures of churches and triumph over the orders of the little council and in the image breaking. But Protestants were probably still in the minority in August, 1535.

<sup>4</sup> The nun Jeanne de Jussie's account (*Le Levain de Calvinisme*) of the departure of the sisters (Aug. 29, 1535) is written clearly and vigorously, and throws much light on the condition of affairs, frankly admitting abuses in the church. Many of the canons had withdrawn before. On the condition, especially of the cathedral clergy, see articles on history of the chapter by a member of the present Catholic chapter at Annecy in *Mem. et Doc. pub. p. l'Acad. Salésienne*, XIV. See above, p. 223, note 1.

The two councils at once assumed the lapsed civil functions of the bishop and chapter. The council of two hundred, the same day that it suspended the mass, took action to retain possession of ecclesiastical property, which it feared the clergy might take away.<sup>1</sup> The two hundred established a hospital endowed with the property of churches and monasteries, and the primary assembly approved the administrative measures taken by the little council, elected a hospitaller, prohibited begging, and ordered special watchmen to compel beggars to go to the hospital.<sup>2</sup> The consolidation of the two prisons was ordered; and the two councils assumed the episcopal privilege of coining money, establishing a mint, appointing its officers and criticizing the money struck.<sup>3</sup>

In 1536, the councils undertook wider functions, the civil and religious reorganization of territory lying outside the city and formerly subject to the ecclesiastical or ducal authorities. The *mandements* of Thiez and Gaillard offered fidelity to Geneva, if no changes were made in the customs or the church (Feb. 11). The introduction of the reformation into the outlying and newly subject villages was taken in hand by the council under pressure from Farel. The council provided preachers and church bells, and ordered proclamations like those in the city, concerning obedience, adultery and blasphemy.<sup>4</sup> The *procureurs* and priests of the rural communities were exhorted by Farel, and given by the council a month to read the gospels and decide whether the evangelical doctrine of Geneva was the true doctrine. The *procureurs* were commanded to order all parishioners to go to sermon, and the mass was forbidden by the council.<sup>5</sup> The council even went so far in its assumption of ecclesiastical powers as to reassure excommunicated parishioners that it held them absolved.<sup>6</sup> The organization of justice was provided for

<sup>1</sup> *Registres du Conseil*, Vol. XXVIII., fol. 104, Aug. 10, 1535. To make an inventory of "Jura et Jocalia" and "omnia bona ecclesiarum" two syndics were appointed for St. Peter's, and the little council was directed to appoint men for the other churches.

<sup>2</sup> *Registres du Conseil*, Vol. XXVIII., fol. 152-153, quoted in Gautier, *Hist. Gen.*, II. 465, and Roget, II. 191. 29 Sept., 5 Oct., and 14 Nov., 1535.

<sup>3</sup> Nov. 24, etc., 1535; Roget, II. 190.

<sup>4</sup> Mar. 10, 1536. Mar. 24, bell to Satigny and preacher there and to "Cillignies"; for acts on these and later dates, see the valuable extracts from the *Registres du Conseil* and other documents, in the "Annales" contained in the standard Baum, Cunitz and Reuss edition of *Calvini Opera*, XXI. 197-198.

<sup>5</sup> *Registres du Conseil*, Apr. 3, 1535, in *Calvini Opera*, XXI. 198.

<sup>6</sup> *Registres du Conseil*, 4 Apr., 1536, in Herminjard, *Corr. d. Ref.*, IV. 26. "Regarding the report by our *chastelain* of Thiez that the people of Thiez have doubts about presenting themselves in church at this next Easter (16 Apr.) because of some letters of excommunication which have been issued against some, for which they desire the relief of absolution . . . Resolved, that there be written a patent to the vicars of the said district (*mandement*) that we hold them for absolved."



in a vote of the two hundred ordering the new subjects to choose in each *châtellerie* a *lieutenant du châtelain* and *auditeurs* to hear causes and to conduct the *procès* in the common tongue.<sup>1</sup> Evidently the two councils, the "government," regarded themselves in general as the heirs of the powers of bishop and *vidomne*, subject to the *franchises* and the ultimate decision of the primary assembly.<sup>2</sup> But the civil and ecclesiastical government of the new possessions they proposed to administer as the lords (*seigneurie*) of the land, unbound by the *franchises*, and without seeking the sanction of the primary assembly or establishing democratic institutions or local self-government. The dependent villages were administered by six *châtelains* chosen from the members of the little council.<sup>3</sup>

But these new possessions caused bloody conflicts of parties within the city, and years of strife between Geneva and Bern.<sup>4</sup> Feb. 5, 1536, the chiefs of the Bernese army which was then at Geneva, fighting once more against Savoy, asked the syndics for the old rights of the bishop and the functions of the *vidomne*. The protector desired to become the suzerain. At this the old mettlesome spirit of Geneva blazed out. The syndics promptly refused and were supported with ardor by the councils. "We have endured war against both the Duke of Savoy and the bishops, for seventeen to twenty years . . . not because we had the intention of making the

<sup>1</sup> May 13, Roget, *S. et G.*, II. 233. The provision for use of common tongue follows the similar provision for court of *vidomne* or his lieutenant in the Genevan *franchises* of 1387, Art. I. French began to replace Latin in the *Registres du Conseil* Feb. 6, 1536, though a considerable number of records in Latin occur during the year.

<sup>2</sup> Additional proof of this increase of powers of the two councils and of a consequent aristocratic tendency in government (as councils were chosen by coöptation) will be found in actions of councils cited later. The very primary assembly that nullified bishop's right of pardon also renewed and confirmed the fullest powers (*omnimoda potestas*) to the council of two hundred. Feb. 8, 1534. *Registres du Conseil*, Vol. XXVI., fol. 210<sup>ro</sup> and 210<sup>bis</sup>.

<sup>3</sup> Gautier, II. 501. The new subjects were granted right to choose *lieutenant* and *auditeurs*, for the inferior court, but from this the final appeal came to the little council, the *seigneurie*. This oligarchic or aristocratic policy is carried out later, and laws are passed, officers and preachers appointed by the Genevan councils, in none of which did the outlying territory have representatives. Nor did the councils even refer decisions to the primary assembly of Geneva. See the interesting proclamations for the *mandement* of Jussie made by "Messieurs" (*i. e.*, the little council) and published by the "*châtelain*," J. Lambert, 22 Sept., 1539 (archives; Pièces Hist. No. 1221, printed in Turrettini et Grivel, *Archives de Genève*, pp. 235-238) "containing ordinances moral, civil and religious in 24 articles." See also the "ordinances as to the '*police*' of the churches depending on the Seigneurie of Geneva," Feb. 3, 1547, in *Calvini Opera*, X. 51 ff.; also acts of Feb. 18, 21, Apr. 4, 7, May 12, 13, 22, Mar. 21, Oct. 6, Dec. 19, 1544, *Calv. Op.*, XXI, under these dates.

<sup>4</sup> The *articulans* or *artichauds* of 1539-1540, and the executions and banishments of 1540. Cf. also the feeling toward the "quitters" (*Quitanciers*) who signed treaty of 1544. (Feb. 15.)

city subject to any power, but because we wished the poor city which had so much warred and suffered to have its liberty" (*pour estre en liberté*), was the characteristic reply of the little council.<sup>1</sup> Bern was eventually obliged to yield to the stubborn determination of Geneva to be independent in the administration of the city and the newly acquired villages. August 7, 1536, by a treaty so vaguely formed as to lead to eight years of conflict, Bern acknowledged the right of Geneva to exercise the powers of bishop and duke, and to possess the lands formerly dependent on the bishop, the cathedral chapter, and the priory of St. Victor. Geneva had won independence from enemies and friends. It was not merely a city but an acknowledged, independent republic with nearly thirty dependent villages.<sup>2</sup> August 8, Geneva received the joyful news "that we are princes."<sup>3</sup>

By 1536, and before Calvin's arrival, the councils had also assumed the entire control of morals and religion which they had formerly shared with the ecclesiastical authorities. Even before the formal suspension of the mass, the council had at the exhortation of Farel prohibited the dances called *violet*.<sup>4</sup> The proclamation passed by the two hundred Feb. 28, 1536, especially for the regulation of taverns—a very vital question after the suppression of the monasteries—was afterwards regarded as a sort of outline of

<sup>1</sup> *Registres du Conseil*, XXIX. fol. 12. Compare Roget, *S. et G.*, II. 214–217 and Gautier, II. 496–498. Syndics Feb. 5; little council Feb. 15; two hundred Feb. 17, 1536. Roget, II. 215, is in error in assigning action of Feb. 15 to two hundred. It was in the after-dinner session of the little council (*conseil ordinaire*). See *Registres du Conseil*, Vol. XXIX., fol. 12<sup>vo</sup> and cf. fo. 11<sup>ro</sup>.

<sup>2</sup> In 1544, preachers were sent to 26 villages. See list in *Genève Ecclésiastiques, ou Livre des Spectacles Pasteurs et Professeurs*, pp. 16–48 (1861). J. L. Mallet names 28 villages subject to Geneva in 1536; viz., 12 formerly subject to bishop in *mandements* of Jussy (to N. E.) and Peney (W.); 2 to "chapter"; 5 to Priory of St. Victor; 9 to *mandement* of Gaillard. (Duke of Savoy, S. E.) ("*Extraits fait par J. L. Mallet des Ext. d. Reg. par Flournois*." MSS. in Bib. Publique de Genève. This extract made by Mallet from *Registres*.) "St. Victor and Chapter" is the phrase used to describe the lands later in dispute. Geneva, however, was obliged to agree: (1) to pay 10,000 *écus*, the balance due Bern for military defense; (2) to make no alliance without the consent of Bern; (3) to grant to Bern, Gaillard and dependencies, Convent Bellevue, Cholex and all territories lying outside the city, conquered by Bern, formerly belonging to Savoy or granted to church by Savoy. Bern agreed to extend Geneva's boundaries in the direction of Gaillard and Gex. Gautier, II. 520, names 7 villages thus included. It was during this war that Chillon was captured by Bern and Geneva, May 29, 1536, and Bonivard released. The treaty (original with seals, and 2 copies) is in the Archives, *Pièces Hist.*, No. 1157; reprinted in Gautier's ed. Spon (*Hist. de Gen.*) "*Preuves*," no. 61 (1730).—(See also Roset, *Chroniques de Genève*, L. III., ch. 70; Gautier, *Hist. de Gen.*, II. 517–520; Roget, *S. et G.*, II. 237–238.)—It contains an ambiguous reservation by Bern (Art. IV., Pt. II.) of "appeals (*appellations*) if any are found to have gone before the Duke and his council or his officers of justice."

<sup>3</sup> Roget, *S. et G.*, II. 238.

<sup>4</sup> Apr. 13, 1535. Roget, *Hist. du Peuple de Genève*, I. 5.

police regulations of the state.<sup>1</sup> The printed placard prohibited: — blasphemy; profane oaths; playing at cards or dice; protection of adulterers, thieves, vagabonds and spendthrifts; excessive drinking; giving drink to anyone during sermon, and especially on Sunday (unless to strangers), or after nine in the evening; entertaining strangers more than one night without notification to captain or tithing men (*dizeniers*); selling bread or wine save at reasonable, established prices; and unauthorized holding of taverns.<sup>2</sup> The council forbade the observance of any holiday (*festa*) save Sunday<sup>3</sup>; ordered all inhabitants to attend sermon, quoting the fourth commandment and laying down a penalty of three *sols*<sup>4</sup>; forbade brides to come to weddings with head uncovered, on the complaint of a preacher that it was contrary to "the holy scripture";<sup>5</sup> forbade private persons to baptize or perform the marriage ceremony and punished several offenders.<sup>6</sup> The tithing men (*dizeniers*) were ordered to forbid anyone's hearing mass or performing papal sacrament "as contrary to the ordinance of God"<sup>7</sup> within or without the city; and those who did so were to be considered enemies.<sup>8</sup> Several priests who said the mass contrary to the order were released from

<sup>1</sup> *E. g.*, in vote of primary assembly, June 17, 1540, refusing increased penalties and declaring the proclamation of the last day of Feb., 1536, sufficient if enforced. (*Registres du Conseil*, Vol. XXXIV., fol. 301; *Calv. Op.*, XXI. pp. 258-259.)

<sup>2</sup> The vote in the *Registres du Conseil*, Vol. XXIX., fol. 33, differs slightly from the printed broadside (20 x 30 cm.): Archives, *Portfolio de Pièces Historiques*, No. 1161; "Ce que les Hostes ou hostesses obseruerôt et feront obseruer che eulx sur la peyne contenue en la Crie faicte le dernier Iour de Feburier, Lan Mil cccccxxvi." The vote in the *Registres* begins with the prohibition of unauthorized keeping of tavern, and does not contain specific prohibition of protection of adulterers and thieves and spendthrifts (simply "estrangers ny gens vagabundes"), or of excessive drinking. This "edited" revision, in putting the prohibition of blasphemy, etc., first, and adding the above prohibitions, emphasizes the moral features of the law. The penalties for lodging "strangers or vagabonds" without notification were 5 *sols* and loss of bread and wine for first offense, 60 *sols* for second, and ten florins and loss of right of keeping tavern for third offense.

<sup>3</sup> *Registres du Conseil*, Vol. XXX., fol. 15. June 13, 1536.

<sup>4</sup> *Ibid.*, fol. 15<sup>vo</sup>, June 16. (Roget, *S. et G.*, II. 235.)

<sup>5</sup> *Registres du Conseil*, Vol. XXIX., fol. 92; 28 Apr., 1536. In *Calvini Opera* XXI. 200. The complaint was made by the preacher "Cristoffle" (Libertet), who refused to marry "save as the holy scripture prescribes." This interpretation of scripture was reversed after Calvin's exile. *Calvini Opera*, XXI. 227, Apr. 26, 1538.

<sup>6</sup> Six cases are recorded in the month of Feb., 1536. *Registres du Conseil*, Vol. XXIX., fol. 26, 23 Feb., 1536:—two marriages; also one baptism by an uncle, a pastry cook; another by a midwife (*ostetrice*); voted to summon and punish the baptizers. *Registres du Conseil*, Vol. XXIX., fol. 31, Feb. 25, parents confer baptism, "not thinking to do harm"; no punishment recorded. *Registres du Conseil*, Vol. XXIX., fol. 32, 26 Feb., a "*Dom(inus)*" under detention "swore not to baptize, marry or perform other sacrament without commandment of 'Messrs. the syndics and council.'"

<sup>7</sup> *Registres du Conseil*, Vol. XXIX., fols. 61, 65, quoted in *Calvini Opera*, Vol. XXI., pp. 197-198, Mar. 24, Apr. 3, 1536.

<sup>8</sup> Roget, *S. et G.*, II. 22, Mar. 24, 1536.

prison only under the provisos that they should "confess their misdeed before everyone at the Sunday sermon"; "that their property should be returned to them, save their arms, and from thenceforth they should live according to God (*selon dieu*)."<sup>1</sup> But a priest, who confessed he had celebrated mass several times after swearing not to, asked pardon in vain and was ordered to prison.<sup>2</sup> "Girardin de la Rive, having had his infant baptized at Ternier by a priest, was condemned by reason of the offense which he had made against God and the proclamations to be banished to the place where he desires to do such things."<sup>3</sup> "Blue laws," or interfering regulations concerning religion and morals were not an invention of Calvin nor of the Puritan state. They were rather the *sequelæ* of the Middle Ages. They are the attempts of the new Protestant state to take over the personal supervision exercised by the medieval church, state and gild.<sup>4</sup>

There was no tolerance even for such a patriotic and broad-minded Catholic as the former syndic Jean Balard, who, when asked by the council (at the instigation of Farel) why he refused to hear the word of God, "replied he believes in God who teaches by his own spirit but he cannot believe our preachers. He said we cannot compel him to go to sermon against his conscience . . . since we

<sup>1</sup> *Registres du Conseil*, Vol. XXIX., fols. 105, 107, May 12, 16, 1536.

<sup>2</sup> *Registres du Conseil*, Vol. XXX., fol. 27, July 13, 1536, quoted in *Calvini Opera*, XXI. 202.

<sup>3</sup> *Registres du Conseil*, Vol. XXX., fol. 16, 17th June, 1536. For some reason the stern logic of this vote was not carried out, and de la Rive appears, in 1536-1537, among the "opposition" to the clerical party.

<sup>4</sup> In Geneva, such legislation antedated not only Calvin but the Reformation: 9 Jan., 1481, disguising or making *charivari*; 3 Jan., 1492, dances or other amusements with instruments without permission of justice; Aug. 11, 1506, playing in streets at dice, bowls, cards (proclamation by permission of vicar); Feb. 23, 1515, playing "*au bre-laud*"; 19 Apr., 1524, "*épouse de May*" and public dances; Aug. 7, 1526, "*chansons deshonnêtes et satiriques*" (penalty of imprisonment)—were all prohibited by little council (*consilium ordinarium*). (See "Extraits d. Edit. Reg. et Wages, 1309-1722," in *Archives of Geneva*, pp. 18, 28, 31, 35, 36.) May 27, 1524, *ibid.*, p. 35, "Those without profession or not exercising them to leave the city and suburbs in three days"; Mar. 14, 1430, "no one to play before celebration of mass"; Item,—"no one to play *ad cisionem panis*," *Reg. du Conseil*, ed. Rivoire, I. 133. Nov. 30, 1490, no playing in public places during divine service and no *ludos communes* in houses; Mar. 5, 1530, no blasphemy of name of God and His glorious mother, no playing in streets or public places at cards or bowls during sermon and divine service (no pardon). (Roget, *Hist. d. Peuple de Gen.*, I. 6.) The proclamation against cards, bowls and dice occurs again in 1507-1508 (*Reg. du Conseil*, XV.). The frequent prohibitions of these numerous favorite amusements (eleven) cited above, suggests the pleasure-loving quality of the Genevans. They occasioned much legislation during the Reformation. Prices of wine were regularly settled in November meeting of *conseil général* and occasionally at other times, and regulations regarding food and hours of sales were often passed. See *Registres du Conseil*, Rivoire, I. 74, 117, 120, 268, 396. For such legislation elsewhere, see J. M. Vincent, "European Blue Laws," in *Ann. Rep. Amer. Hist. Assn.*, 1897, 356-372.

said ourselves at the beginning of these affairs that no one could dominate our conscience."<sup>1</sup> His interesting creed which he then repeated still exists in his own hand, on a scrap of paper, sewn with a faded red thread to the records of that day. "I desire to live according to God's gospel, but I do not wish to follow it according to the interpretation of any private persons, but according to the interpretation of the Holy Spirit through the holy church universal in which I believe. Balard."<sup>2</sup> "Asked to say whether he is not willing to go to sermon, he replies that his conscience does not allow him to go there, and he does not wish to do anything contrary to that, for this reason, — because he is taught by a higher power than such preachers. Having heard all this it was ordered that if he did not obey the proclamations and go to the sermons, he must leave the city within the next ten days." The council voted three weeks later, "that if John Balard refused to go to hear the sermon he should be imprisoned and every day conducted to sermon; and that the like be done in case of all others";<sup>3</sup> it recorded further complaints against him and five others, September 4.<sup>4</sup> Although in his patriotic desire that his "body be united with the body of the city as a loyal citizen should be,"<sup>5</sup> Balard evidently yielded later and held important offices, he was in 1539 again ordered to leave the city in ten days for refusing to say the mass was bad. He gave the quaint and pathetic reply "that he is unable to judge but that since it is the will of the Little and Grand Council that he should say the mass is bad he says the mass is bad and that he is worse to judge boldly of that of which he is ignorant and he cries to God

<sup>1</sup> An allusion probably to the vote of Mar. 30, 1533; see above, p. 223, n. 4, art. three of this vote.

<sup>2</sup> "*Je veulx viure selon levangille et ne veulx pas user selon l'interpretacion daucuns p̃ticuliers Mais selon l'interp̃tacion du saint esperit par la sainte eglise uniuerselle en qui Je croye.*" — Balard. — This is a *verbatim et literatim et punctuatatim* copy, from the *Registres du Conseil*, Vol. XXX., fol. 32, July 24, 1536. It is to be wished that the secretaries had written as good French and as clear a hand. The records for this session, *e. g.*, are partly in bad Latin, partly in bad French. The Registers of the council have no punctuation or accentuation, and no system of capitalization whatever. The editors of the *Calvini Opera* (Baum, Cunitz, Reuss) change the capitalization, and add punctuation; Herminjard (*Corr. d. Ref.*), Rilliet et Dufour (*Premier Cathéchisme*), the editors of Gautier (*Hist. de Gen.*), and M. Dufour-Vernes, the present archivist of Geneva, add also accents. All write out the constant abbreviations.

<sup>3</sup> *Registres du Conseil*, Vol. XXX., fol. 40, August 15, 1536. Reaffirmed by council sixty, next day.

<sup>4</sup> *Registres du Conseil*, Vol. XXIX., fol. 53. P. Lullin, J. Philippe, J. Balard, Cl. Richardet, J. Malbuisson, B. Offischer. The first four of these failed of re-election to the council in following year. But Richardet and Philippe were leaders of the "opposition," and were elected syndics and aided the exile of Calvin and Farel, 1538. Richardet pled for tolerance Sept. 4, 1536; and two months later was elected *lieutenant de justice*.

<sup>5</sup> Dec. 22, 1539. See note I, p. 233.



for mercy and renounces Satan and all his works." Not content even with this, the council finally wrested from him its required "affirmative or negative answer," "The mass is bad."<sup>1</sup>

It is a sadly significant picture — an honored and sane magistrate and not a fanatic, nobly pleading for broad tolerance and freedom of conscience, but compelled to submit his religious convictions to the apparent political necessities of his day. As patriotic as he was tolerant, the statesman sacrificed his theology to his patriotism and remained to serve his state.<sup>2</sup> The story of Balard, instructive in itself, is still more significant because of its date. The first inquisition, in July, 1536, occurred before Calvin settled in Geneva, the final one, in 1539, during Calvin's exile when his anti-clerical opponents were in power. Calvin found Geneva and Europe intolerant; he did not make them so.

The councils, though exercising full power in religion and morals, consulted the "preachers." They sought and heeded the latter's advice regarding such matters as brides' head dress;<sup>3</sup> marriage causes "necessitating consultation of the Scriptures";<sup>4</sup> introduction of the reform into the new possessions; summons of Balard; and improvement of faith, education and morals.<sup>5</sup> They also voted to "feed, clothe and support" the preachers upon the property of the parishes "both of the city and of our land."<sup>6</sup>

The increased judicial functions of the little council, as the supreme court, after the abolition of the bishop's jurisdiction in

<sup>1</sup> *Registres du Conseil*, Vol. XXXIII., fols. 400<sup>vo</sup>, 401-402, Dec. 22-24, 1539. Parts of the process are to be found in *Calvini Opera*, XXI. 203. The account, with extracts, is correctly given in Roget, *S. et G.*, II. 243-246, and Roget, *Hist. du Peuple de Gen.*, I. 158-160. The passages are reprinted from *Registres* in J. J. Chaponnière's introd. to *Journal du Syndic Jean Balard*, pp. lxvii-lxviii, lxxiv-lxxv. (*Mem. et Doc. de Soc. d'Hist. de Gen.*, X. (1854).) Gautier, *Hist. Gen.*, III. 54, seems to have failed to note the council's relentless insistence, and the final reply of Balard, and is therefore led into error of attributing tolerance to the council. (See *Registres du Conseil*, Vol. XXXIII., fol. 402<sup>vo</sup>; "*Puys apres az confesse laz messe estre mauveys*," Dec. 24; and reaffirmation Dec. 26, before two hundred.)

<sup>2</sup> J. Balard, the author of a valuable *Journal* (1525-1531), had been syndic in 1525-1530 (*Jour. de Balard*, ed. Chaponnière, pp. xiv-xxxv, *Mem. et Doc. Soc. d'Hist. d. Gen.*, Vol. X.). He was afterwards in little council in 1531-1536, and 1539; frequently in two hundred; regularly in sixty, from 1546. The day of Calvin's return from exile (13 Sept. 1541), Balard was made one of six councillors to "confer" with "preachers" and draw up the *ordonnances ecclesiastiques*, replacing Goulaz of dubious reputation.

<sup>3</sup> See above, p. 230, note 5.

<sup>4</sup> *Registres du Conseil*, Vol. XXIX., fol. 113, May 23, 1536. "Mariage . . . pource que cest chose pesante un besoigne entendre les escriptures, est arreste que lon demande les predicans en conseil pour veoir sur ce affaire leur opinion."

<sup>5</sup> See above, p. 227, note 4; p. 230, note 7; below p. 235, and note 1.

<sup>6</sup> *Registres du Conseil*, Vol. XXIX., fol. 103, May 10, 1536.

1534, gives further evidence of the wide range of powers which were concentrating in a small body. In this council of twenty-five men, only five were ever chosen in any one year by the people, and sixteen were elected by a council of their own nominees, the two hundred. The court records indicate that the conditions of the introduction of the Reformation in 1535-1536—the cessation of the old system of religious authority, and the sudden plunge of monks and priests out of religious establishments into a new social order—threatened Geneva within with a difficult social problem, at the time when she was fighting outside with weapons and diplomacy to solve her political problem.<sup>1</sup>

For the formal adoption of the religious reform, the action of the primary assembly, the *conseil général*, was regarded as necessary. May 19, 1536, Farel exhorted the council upon the coldness of the people's faith, the need of setting schools in order, and the presence of dissoluteness, "mummeries," songs, dances and blasphemy. The little council replied by advising the two hundred of the need of a *conseil général*. The two hundred called this primary

<sup>1</sup> Sixteen criminal trials are recorded for the year 1535, and six for the year 1536, in the "*Procès Criminel et Informations*," but these are only the graver cases. The little council frequently dealt with cases in their ordinary sessions recorded in the *Registres* but not in the *Procès*. The *Registres* also record general conditions (*e. g.*, songs sung by bad women, Sept. 5), and proclamations (prohibition of vain songs and fornication, Sept. 8, 1536). In 1536 an adulterer was put three days in the dungeon ("crotton"), while the adulteress was banished (Roget, *S. et G.*, II. p. 235). The *lieutenant de justice* himself, Jean Curtet, the judicial officer of the state, was convicted of fornication, imprisoned three days on bread and water, degraded from office and compelled to seek pardon of the two hundred. He was six months later elected first syndic, Feb. 4, 1537, contrary to law (*Registres du Conseil*, Vol. XXX., fol. 164<sup>vo</sup>. Cf. Gautier, *Hist. Gen.*, II. 526). The complaints of Farel before the council (May 19 and Sept. 8), the accounts of Fromment, though probably exaggerated, Fromment's own life and descriptions, the conduct of such leading men as Curtet, Goulaz, Bonivard, suggest a considerable, though not surprising, amount of dissoluteness and vice. Cf. Kampschulte, *Calvin*, I. 206-207, w. Roget, *S. et G.*, II. 271, etc. The natural tendency of eulogists of Protestantism or the Calvinistic system has been to exaggerate the evil life in Geneva before Calvin's arrival. Such Genevans as the two Galiffes are partizans of the other sort. The number of cases recorded in the *Procès Criminel* may be given for what they are worth: 1535, 16; 1536, 6; 1537, 3; 1538, 4; 1539, 13; 1540, 21; 1541, 6; 1542, 5; 1543, 17; 1544, 2; and for the next ten years, 34, 18, 12, 4, 7, 5, 6, 10, 15, 20, respectively (1545-1554); with a remarkable increase for ten last years of Calvin's rule; viz., 43, 49, 88, 95, 87, 68, 54, 92, 76, 86 (1555-1564). This gives an average for the first decade of the reform (1535-1544) of 8.5; for the second (1545-1554) 12.4, and for the third decade (1555-1564) of 73.8 cases recorded in the *Procès Criminel* per year! This increase of over eight-fold might indicate either more crime or more rigid prosecution (probably the latter) in the third decade when the Calvinistic, puritan, conception had won its decisive victory. The number decreased strikingly in the time of Beza (1564-1605); viz., 43.5 for the first, 5.3 for the second, 5.2 for the third, and 6.4 for the fourth decade, if the records were accurately kept; no entries occur for 1574-1579, 1590-1594, 1596-1599.

assembly for Sunday.<sup>1</sup> The taking of the solemn oath "to live according to the Gospel and the Word of God," "sworn before God" alone by the whole body of citizens with uplifted hands, is a striking scene, significant in the history of democracy and religious liberty.

Sunday, May 21, 1536.

The *Conseil Général* in the cloister [of St. Peter's].

According to the resolution of the Little Council (*conseil ordinaire*), the *Conseil Général* was assembled by customary sound of bell and trumpet. And by the voice of M<sup>r</sup> Claude Savoy, first syndic, were proposed the resolutions of the *conseil ordinaire* and of the Council of Two Hundred, touching the manner of living . . . viz., to live according to the Gospel and the Word of God as has been since the abolition of the mass [Aug. 10, 13, 1535] and is now preached always among us; without further desire or wish for masses, images, idols or other papal abuses whatever. Whereupon, without any dissenting voice, it was generally voted, and with hands raised in air resolved and promised and sworn before God, that we all by the aid of God desire to live (*volons vivre*) in this holy evangelical law and Word of God, as it has been announced to us, desiring to abandon all masses, images, idols, and all that which may pertain thereto, to live in union and obedience to justice. . . . Also voted to try to secure a competent man for the school, with sufficient salary to enable him to maintain and teach (*nourrir et enseigner*) the poor free; and that every one be bound to send his children to the school and have them learn; and all pupils and teachers (*escolliers et aussi pedagoges*) be bound to go into residence (*aller faire la residence*) at the great school where the Rector and his Bachelors shall be.<sup>2</sup>

Taken in the order of their historic development (1528–1536), there are four principles in the Genevan Protestant state:

1. Obedience to the independent, civil government.
2. Rejection of "papal abuses."
3. Adoption of the "Word of God," "as preached," as the standard of life.
4. Establishment of universal, primary education, free to the poor.<sup>3</sup>

To transform this Protestant into a Puritan state, it was necessary to add:

1. Establishment of the Church as a distinct organism with co-ordinate and constitutional rights with the State (1541), thus lim-

<sup>1</sup> *Registres du Conseil*, Vol. XXIX., fol. 112. The complaint as to morals is based on statement in Roset, *Chron. d. Gen.*, p. 262 (ed. 1894). Sunday had been and remained under Calvin the day for primary assembly.

<sup>2</sup> *Registres du Conseil*, Vol. XXIX., fol. 112, Sunday, May 21, 1536. The vote has been frequently reprinted; e. g., *Calvini Opera*, XXI. 202. The number of citizens in Geneva in 1536 capable of voting in *conseil général* is estimated by E. Mallet as 1,000 to 1,500 (*La Suisse Hist. et Pittor.* [Geneva, 1855–1856], II. 552). Saunier had been elected rector at a salary of 100 écus of gold, by the two hundred, May 19; see *Registres du Conseil*, Vol. XXIX., fol. 112; *Calvini Opera*, XX. 201–202; and F. Buisson, *Sebastien Castellion*, I. 123.

<sup>3</sup> There was provision for both girls and boys in the vote of May 21, 1536. The girls were to be apart as before, and all boys were to come to the great school. *Registres du Conseil*, Vol. XXIX., fol. 112.

iting the latter's ecclesiastical power and preventing absorption of Church by State ("*caesaropapism*").

2. Definite organization of creed and religious training including catechism (1537); discipline and supervision of morals (1541); including substitution of new marriage laws for old canon law (1561).

3. Unflinching enforcement of the "Word of God" in all matters of daily life—moral and social, private and public, and upon all inhabitants (1555).

4. University education, to train for Church and State (1559).

5. A different temper and fibre—conscientious, unyielding, unflinching, austere (1555).

By August, 1536, before she came under Calvin's influence, Geneva had won her independence against her enemies, duke and bishop, after nearly twenty years of warfare, and against the "salvage" claims of her ally Bern. In the process, the state, or more accurately its civil magistrates, had taken over the following large executive, legislative and judicial powers—military, diplomatic and religious: the trial and execution or pardon of criminals; declaration and conduct of offensive and defensive warfare; making and breaking of alliances; the conquest, and civil and religious administration of subject territory; coining money; acquisition of church property and diversion to new ends; regulation of religion—including certain articles of creed and worship, appointment of ministers and even pronouncing of absolution; regulation of private morals; and establishment of compulsory primary education. But it was rather the two councils than the commune itself that gained and exercised these powers. The primary assembly, it is true, had decided on alliances, and formally sanctioned the reformation and compulsory primary education. It also elected four syndics, a treasurer and secretary, and a lieutenant of justice with inferior jurisdiction. But all the other newly acquired powers enumerated above had been exercised by two councils which elected each other.<sup>1</sup>

<sup>1</sup>After 1530, the two hundred elected the little council; the little council then elected the two hundred, *i. e.*, 175 members besides themselves. These elections usually occurred respectively on the Monday and Tuesday following election of syndics, 1st Sunday in February. The four syndics of the previous year remained as members of the little council; the treasurer and four new syndics were elected by the primary assembly, leaving sixteen to be elected by the two hundred. As the council of sixty elected by the little council acted so very rarely, it has seemed much simpler to follow actual conditions and speak regularly of the two active councils (twenty-five and two hundred). The functions of the state (though not then distinguished) may be analyzed as follows: (1) Executive; syndics and little council. (2) Legislative, usually the little council (*ordinaire*); in difficult or important cases, the two hundred; elections of chief officers by primary assembly (*conseil général*). (3) The judicial arrangements were as follows in 1536: (a) Supreme court in criminal cases, syndics and little council (*conseil ordi-*

The primary assembly was rarely called, and nearly all the executive and legislative steps in the progress of independence and reform had been taken by two bodies of magistrates, the little council of twenty-five, and the council of two hundred. Under normal circumstances, the members of both these bodies continued in office, save for malfeasance. Even the four syndics and other executive officers elected by the primary assembly were almost invariably chosen from the double list of nominees presented to it by the two hundred, which had in turn revised the nominations presented by the little council.<sup>1</sup>

Geneva, then, had developed independence and civil rights, but neither democracy nor directly representative government. She had taken steps in this direction, and in two vital civil and religious changes the people, the "commune," had acted in their sovereign capacity. But, on the other hand, there had been, in the fierce struggle for independence and order, a marked and continued tendency from the middle of the fifteenth century to concentrate power in the hands of a few men, conservative, responsible, and experienced.<sup>2</sup> It is an instructive experiment in a system of "mixed

*naire*). But the two hundred possessed right of pardon and in extreme cases the court consisted of 16 members of two hundred in addition to little council. (b) Police and civil court of first instance (replacing *vidomne* after Nov. 14, 1529), consisting of lieutenant of justice and four assistants (*auditeurs*) elected by *conseil général* (annually in November). The lieutenant was re-eligible only after three years. (Cf. Bonivard, *L'Anc. et Nouv. Pol.*, p. 29.) (c) *Procureur général* (1534), who intervened in all processes where public interest was at stake and was legal representative of minors and those under disabilities. See H. Fazy, *Constitutions de Genève*, p. 39; Bonivard, *L'Anc. et Nouv. Pol.*, 29; E. Mallet, *Coup d'Oeil, Hist. et Pitt.*, p. 552; Gautier, *H. d. G.*, II. 405, 546. See also *Registres du Conseil*, Vol. XXIX., fols. 1-4, Vol. XXVIII., fol. 209, Feb. 6, 1535, Vol. XXV., fol. 230, Feb. 8, 1534 (or Vol. XXVI., fol. 210<sup>vo</sup>); and other references to *Registres du Conseil* cited above.

<sup>1</sup> The assembly, however, possessed the right to elect its own choice in place of any or all nominees for syndic. Feb. 6, 1536, it exercised this right in electing Hemioz Levet. *Registres du Conseil*, Vol. XXIX., fol. 1.

<sup>2</sup> For fifteenth century see above, pp. 220-222 and notes. For later developments, see powers exercised by council referred to above, pp. 236-237. The danger is recognized by the *commune* and expressed in: the defeat of every caucus nominee by the *conseil général*, 1458; the provision of 1459 for reading franchises and hearing individual complaints; the *conseil général's* reassumption and assertion of taxing power, 1460; by intrigues to upset the two hundred (see *Reg. Con.*, vote Feb. 8, 1534, Vol. XXV., fol. 230); by provision against re-election of syndics before 3 yrs. (1518); and by revolutionary events of 1537-1540. In the list of magistrates and councils a strikingly small number of names occurs, but the same ones recur constantly. E. g., of the eleven unsuccessful candidates for syndics, treasurer, and secretary for the chamber of accounts, in the vote of *conseil général*, Feb. 6, 1541, all but two were consoled by positions in two councils. See *Registres du Conseil*, Vol. XXXV., fols. 52-56, Feb. 6, 7, 9, 1541. Compare also the lists of syndics, lieutenants and counsellors in appendices to vols. of Roget, *Hist. d. Peuple d. Gen.*

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aristocracy" and democracy, the system advocated by Calvin after seven years' experience, and by John Winthrop in Massachusetts Bay, a century later.<sup>1</sup> It had its efficiency. But it also had its dangers. The latter were averted in Geneva in part by the mettlesome spirit of the "*commung peuple*," who asserted their somewhat tumultuous sovereignty in the stormy years, 1537-1541; and in part by the influence of the "preachers" and the church in the endeavor to maintain their rights and prevent the absorption of all power by the magistrates. It is noteworthy that in the seventeenth and early eighteenth centuries, when both Calvin and Beza were gone, and there were no ministers strong enough to check the oligarchic tendency, the power of the magistrates and of the citizens with exclusive privileges, developed into a dangerous political and social aristocracy, which was attacked in the three revolutions of 1707, 1735-1738, and 1782, antedating the French Revolution of 1789.<sup>2</sup>

Several things, it is well to note, Geneva had *not* adopted before Calvin. She had not adopted democracy. She had distinctly repudiated the noble plea of honest and loyal Jean Balard for freedom of conscience. She had refused her inhabitants liberty in matters of worship even outside the city—saying to her old and honored families, conform or "go where you can do these things."<sup>3</sup> She had not adopted personal liberty, but had continued to pass restrictive legislation regulating prices, amusements, hair-dressing, hours and amount of drinking, attendance on sermons, non-observance of holidays.<sup>4</sup> The Genevan church as an organism cannot be said to have existed before Calvin. It had neither formal creed nor system

<sup>1</sup> Calvin's *Institutes*, ed. 1543, ch. XX., sec. 7, *Calv. Op.*, I. 1105; Winthrop, *Arbitrary Government described and the Government of the Mass. vindicated from that Aspersions* (1644), in R. C. Winthrop, *Life of John Winthrop*, II. 440-458 [ed. 1869].

<sup>2</sup> For the comparatively unknown period of Beza, see the recent careful study from the sources, by Eugène Choisy, *L'État Chrétien Calviniste à Genève au Temps de Theodore de Bèze* (1902). To M. Choisy and to Professor Chas. Borgeaud of the University of Geneva I am indebted for suggestions on this later aristocratic development and on many other points. Professor Borgeaud has emphasized the democratic tendencies of the Reformation in his suggestive *Rise of Modern Democracy in Old and New England* (1894), and his monumental *Histoire de l'Université de Genève*, L'Académie de Calvin, 1559-1798 (Geneva, 1900). The long and strong aristocratic tendency before Calvin in Geneva has not, so far as I know, been made clear. Only with this perspective can Calvin's tendencies be rightly judged. For 18th century, see E. Mallet, *Coup d'Œil*, etc., II. 554-556.

<sup>3</sup> The language is that employed in the case of Girardin de la Rive, but the policy is characteristic; cf. action in case of Balard, and five others, Sept. 4, 1536. See above, p. 232, n. 5.

<sup>4</sup> See above, pp. 229-231 and notes.

of religious training. It had no rights of either property, discipline, revision of membership, or choice or dismissal of pastors.<sup>1</sup>

The Genevan commonwealth of 1536 had won independence and abolished papal abuses, but had not established democracy or personal liberty, nor organized a new church. Her people had grown mettlesome and obstinate in defense of chartered rights and newer liberties, but they were even yet, "for the most part, thoughtless and devoted to their pleasures." Her institutions and popular temper were vigorous but still plastic. Neither institutions nor temper had yet produced any striking contribution to human development, but the institutions were adaptable and the people capable of remarkable development, under conviction and devotion to a definite programme or goal.<sup>2</sup>

<sup>1</sup> "The external forms of worship, the public prayers, the place of the sermon, the rites of baptism and of the Holy Communion, the celebration of marriage must have been fixed after the rules laid down in a little publication drawn up no doubt by Farel and published in 1533 under the title, *La manière et façon*," etc. (Rilliet et Dufour, *Premier Catéchisme de Calvin* (1537), p. xv.)

<sup>2</sup> There is no adequate exposition of the Genevan temper ("mentality," for lack of a better word) before the arrival of Calvin. It can best be understood from the deeds and from the contemporary writings of Bonivard, Fromment and his vigorous wife, Marie d'Enté (see her *Épître très Utile*, 1539, extracts in Herminjard, *Corr. d. Ref.*, V. 302 ff.), Balard, Jeanne de Jussie, and from the things prohibited. Many of the criticisms of Genevan immorality before the Reformation overshoot the mark. No people utterly devoted to license could have so strenuously maintained their independence almost continually for centuries, and against such odds. Even the curious regulations of vice show not only its presence but a constant attempt to repress it. The Genevans, in fact, were not a simple, but a complex, cosmopolitan people. There was, at this crossing of the routes of trade, a mingling of French, German and Italian stock and characteristics; a large body of clergy of very dubious morality and force; and a still larger body of burghers, rather sounder and far more energetic and extremely independent, but keenly devoted to pleasure. It had the faults and follies of a medieval city and of a wealthy center in all times and lands; and also the progressive power of an ambitious, self-governing and cosmopolitan community. At their worst, the early Genevans were noisy and riotous and revolutionary; fond of processions and "mummeries" (not always respectable or safe), of gambling, immorality and loose songs and dances; possibly not over-scrupulous at a commercial or political bargain; and very self-assertive and obstinate. At their best, they were grave, shrewd, business-like statesmen, working slowly but surely, with keen knowledge of politics and human nature; with able leaders ready to devote time and money to public progress; and with a pretty intelligent, though less judicious, following. In diplomacy they were as deft, as keen at a bargain and as quick to take advantage of the weakness of competitors, as they were shrewd and adroit in business. They were thrifty, but knew how to spend well; quick-witted, and gifted in the art of party nicknames. Finally, they were passionately devoted to liberty, energetic, and capable of prolonged self-sacrifice to attain and retain what they were convinced were their rights. On the borders of Switzerland, France, Germany and Italy, they belonged in temper to none of these lands; out of their Savoyard traits, their wars, reforms and new-comers, in time they created a distinct type, the Genevese. This perhaps bold attempt of one from another continent to suggest the two sides of this very complex but very human and interesting folk may be concluded with a quotation from a Genevan representing many of the above somewhat contradictory characteristics: "One might kill them rather than make them consent to that from which they had once dissented. . . .

In August, 1536, there settled in Geneva a young French theologian and jurist, then in his twenty-eighth year, possessed of the attributes needed by Geneva—unflinching moral conviction and a systematic programme. The next twenty-eight years, the second half of Calvin's life, were devoted to systematizing Genevan institutions and tempering her citizens.<sup>1</sup> The new generation of Genevese, bred on Calvin's catechism, disciplined by his consistory, and recruited by the exiles from other lands, was a new folk. Hardened by war, they were still more finely tempered by conviction and moral discipline. Their state was definitely organized and their institutions were crystallized into written codes. In 1564, within a year from the time when the Council of Trent had completed its programme of Catholicism, Calvin had finished his career and Geneva had become the living exemplar of the new fighting creed of Protestantism. Geneva and Calvin together accomplished what neither could have done alone; they produced a new force in the world. The little Protestant state, reorganized on the basis of Calvin's ideas, became a Biblical commonwealth, ruthlessly conscientious, intellectual, independent, business-like and successful—in a word, a Puritan state.

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Otherwise, they were for the most part thoughtless (*sans soucy*) and devoted to their pleasures; but the war, necessarily, the reformation of religion, voluntarily, withdrew them therefrom. . . . Many pleasant buildings (which) were destroyed, both to ensure the city from its enemies and to remove papal superstitions; in such wise that its beauty has been lessened to augment its force." The value of this frank characterization is not lessened by the fact that Calvin and Geneva found Bonivard's *Chronicle* too rude to publish. Bonivard, *Chroniques de Genève*, Revilliod's ed. (Gen., 1867), p. 35. Cf. the unknown author quoted by Rogert, *S. et G.*, II. 121, "I did not prefer beauty to honesty,—I ruined my beauty to save my honor and instead of Geneva the beautiful became Geneva the valiant" (*e pulchra fortis facta Geneva vocor*).

<sup>1</sup> Even during the three years of exile (1538–1541), Calvin devoted much time to Genevan conditions and the larger relations which involved Geneva.

## THE CONSTITUTION AND FINANCE OF THE ROYAL AFRICAN COMPANY OF ENGLAND FROM ITS FOUNDATION TILL 1720

THE early history of the Royal African Company of England has an interest of its own in view of the peculiarities of its financial methods. Towards the close of the seventeenth century the joint-stock organism was adapting itself to its environment ; and of all the different forms of adaptation that of the African Company presents the most marked characteristics. From the point of view of economic history it is important to be able to make some estimate of the amount of capital employed in early trading undertakings and the mode of their finance. Fortunately it is possible to obtain this information in the case of the African Company and also to follow the different steps by which the capital of the company had expanded or contracted according to the needs of the trade and the state of the privileges of the undertaking.<sup>1</sup>

Prior to the incorporation of the Royal African Company English traders had sent intermittent voyages to the coast of Guinea for over a century. Sieur de Guerchy, writing to the Duc de Praslin in 1767, dates the foundation of the English trade to Africa as early as 1536.<sup>2</sup> Hakluyt mentions five voyages as undertaken in each of the years from 1553 to 1557.<sup>3</sup> In 1563 Queen Elizabeth was a partner in an expedition, commanded by John Hawkins, which yielded a satisfactory profit.<sup>4</sup> In 1588 the first African Com-

<sup>1</sup> The chief source for this important information is a collection of papers relating to the company, which is preserved amongst the "Treasury Papers" at the Public Record Office, London. These documents are entered under the general heading of "Royal African Company" in a separate MS. catalogue, and consist of "Warrant Books," "Home Journals," "Minute Books of the Court of Assistants," "Stock Journals and Transfer Books," "Accounts, Letters, etc.," and "Miscellaneous Books." There is no "Minute Book of the General Court" and several volumes of "Minute Books of the Court of Assistants" are missing. Many of the books are bound in fine white vellum, with the elephant (taken from the arms of the company) stamped on them in gold. Many points of interest might be noticed as arising from a careful examination of these papers. It may be mentioned that James II. held £1,000 "original stock." After the Revolution it was decided that this stock must be transferred to William and Mary. The original transfer from James II. to Graham, the secretary of the company, is bound up in one of the minute-books (No. 1456, f. 32), and, although it is dated August 20, 1691, James is still entitled "the King's most excellent Majesty" and "King James."

<sup>2</sup> Bonnassieux, Pierre, *Les Grandes Compagnies de Commerce* (Paris, 1892), 96-98.

<sup>3</sup> *Voyages* (Ed. 1809), II. 464, 470, 480, 496, 504.

<sup>4</sup> *Calendar State Papers, Dom.*, 1547-1580, p. 215. *Annals of Commerce*, by David MacPherson, II. 136-137.

pany, incorporated by letters patent, was founded<sup>1</sup> and another similar company in 1618.<sup>2</sup> In 1631 a third chartered undertaking was formed;<sup>3</sup> but, like its predecessors, it was unable to hold its ground, and in 1651 a temporary charter was granted the East India Company.<sup>4</sup>

After the Restoration a new company was formed, which was the direct predecessor of the Royal African Company. On Jan. 10, 1662, Charles II. incorporated a number of persons under the title of the "Governor and Company of the Royal Adventurers of England trading into Africa." The charter, besides granting the usual rights of a corporation, conveyed in addition the privilege of exclusive trade from Sallee to the Cape of Good Hope.<sup>5</sup> This company started under distinguished patronage. Prince Rupert was the first governor and amongst the thirty-six assistants there were several noblemen and merchants of good standing. At first the operations of the company promised to be very successful but its officials involved it with the Dutch by attacking their forts in Africa. This led to reprisals, and the English forts, ships and goods on the coast of Guinea were seized by the Dutch in 1665. The remainder of the short history of this company is one of financial distress. As in the case of the previous Guinea Company attempts were made to farm its privileges to persons who were not members. In 1668 an offer was made of £1,000 a year for seven years for the right to trade to the north coast of Africa.<sup>6</sup> The rents obtainable for the lease of the company's privileges were insufficient to liquidate the debt already contracted; and, in 1672, the charter was surrendered to carry out a scheme of arrangement with the creditors.

The method of satisfying the claims against the company was both drastic and original. To ascertain how the situation was faced it is necessary to examine in some detail the finance of the adventurers. The capital subscribed at the formation of the company amounted to £122,000 in 305 shares of £400 each, divisible into half shares of £200 each. The qualification of the governor was one share, or £400.<sup>7</sup> Out of the £122,000 subscribed, it was agreed that £20,000 should be paid to the representatives of Sir Nicholas Crisp (who had been a prominent member of the previous

<sup>1</sup> *Hakluyt's Voyages*, II. 610.

<sup>2</sup> State Papers, Grant Book Dom. Jac. I., p. 268.

<sup>3</sup> *Rhymer's Foedera*, XIX. 370.

<sup>4</sup> *Annals of Commerce*, II. 370.

<sup>5</sup> Charter of the Royal African Co., Treasury Records (Public Record Office), Royal African Co., No. 1390, f. 3.

<sup>6</sup> Treasury Records, Royal African Co.—Court Book of the Assistants of the Company, 1663–1670, f. 82.

<sup>7</sup> *Ibid.*, f. 101.



company) for the forts and factories in Africa. This debt was never discharged by the Company of Royal Adventurers and was still owing in 1709.<sup>1</sup>

As early as 1664 fresh capital was required and "2 per cent. above the ordinary interest" was offered for loans from the shareholders at par. Subscriptions were invited for £25,000; but, outside the assistants, very little was raised.<sup>2</sup> Later in the same year a fresh endeavor was made to raise capital, and, on this occasion, the bonds were to be issued at a discount. On Nov. 4, 1665, the King wrote that considering "the greatness of the Company's debt and the heavy interest under which the Company's stock now labours," all money realized by home-coming ships should be used in paying debts not in new ventures.<sup>3</sup> At this date loans could only be effected on the personal security of the assistants.<sup>4</sup> In 1667 another attempt was made to float a loan but with small success, though in some cases creditors were induced to accept bonds under the company's seal in satisfaction of their claims.<sup>5</sup>

From 1667 to 1671 the position of the company had gone from bad to worse and at the latter date the undertaking was insolvent. The debts were estimated to amount to £57,000 and beyond the privileges of the charter the assets were of little if any value. The company and its creditors were therefore in the dilemma that there were few if any assets except the charter, and if the charter were to be of any value working capital was required. In the existing state of the company's finances, there being no credit, capital could not be obtained until the creditors had been satisfied. It was therefore to the interest of both shareholders and creditors that the company should be reconstructed even at considerable sacrifice, and in 1671 a scheme was drawn up and accepted which provided for winding up the company and for the formation of a new one while giving some compensation to members and bondholders. The following was the reconstruction-scheme adopted, which provided for the formation of a new company with a capital of £100,000.

Table A. Reconstruction Scheme.

The existing capital of £122,000 to be written down by 90 %.....	£ 12,200
Creditors for debt of £57,000 to receive two-thirds, or £38,000 in stock of the old company. This £38,000 stock was to be likewise written down by 90 % and exchanged for stock of new company.....	3,800

<sup>1</sup> *Journals of the House of Commons*, XVI. 180.

<sup>2</sup> Court Book, 1663-1670, f. 6.

<sup>3</sup> Court Book, 1663-1670, f. 37.

<sup>4</sup> *Ibid.*, f. 38.

<sup>5</sup> *Ibid.*, f. 59.

Creditors were to receive the remaining third of debt *in cash* out of subscription below.

Balance of subscription.....	84,000
Total capital, new company.....	<u>£100,000</u>

*Table B. Allocation of Capital of New Company Between Shareholders and Creditors of the Old.*

Stock of new company to shareholders and creditors of the old company.....	£ 16,000
Cash to creditors of old company.....	19,000
Cash available as working capital.....	65,000
	<u>£100,000</u>

*Table C. Position of the Creditors on Reconstruction.*

For each debt of £100, there was paid in cash one-third, £33. 6. 8

The remaining  $\frac{2}{3}$  of the debt converted into stock of old company for the same amount. This was transferred to stock of the new company at 10% of its nominal value, giving as the equivalent of the remaining £66. 13. 4 of the debt £6. 13. 4 stock of the new company worth at par.....

6	13	4
<u>£40</u>	0	0*

\* Conditional on stock selling at par.

In order to carry out this scheme of rearrangement of capital the charter was surrendered, as otherwise it was held that the new capital to be raised might have been claimed by the creditors of the old company.<sup>1</sup> On the cancellation of the charter, Charles II. incorporated the creditors and shareholders, who assented to the reconstruction scheme, as the "Royal African Company of England" in 1672. As it will be found that two distinct series of events, namely the state of the finances of the company and opposition to the monopoly, were frequently interacting and influencing its fortunes, it will be conducive to a clearer understanding of the transactions of an eventful fifty years to trace the history of each separately.

#### THE ROYAL AFRICAN COMPANY OF ENGLAND—ITS PRIVILEGES.

Under the charter of 1672 the usual privileges of incorporation are granted as well as "the whole entire and only trade" from Sallee to the Cape of Good Hope and the adjacent islands.<sup>2</sup> The company had the right of acquiring lands within these limits (provided such lands were not owned by any Christian prince) "to have and to hold for 1,000 years, subject to the payment of two ele-

<sup>1</sup> Treasury Records, Royal African Co., No. 1390, f. 2.

<sup>2</sup> Treasury Records, Royal African Co., No. 1390, f. 15.

phants' teeth," when any member of the royal family landed in Africa.<sup>1</sup> Powers were also given to the company to make peace and war with any non-Christian nation.<sup>2</sup> Amongst other miscellaneous privileges the right of Mine Royal was conveyed to the company on condition that the Crown might claim two-thirds of the gold won, on paying two-thirds of the expenses, the company retaining the remaining third.<sup>3</sup>

A considerable portion of the charter is occupied with provisions as to the internal government of the company. The stock-holders were to elect annually one governor, one sub-governor, one deputy-governor and twenty-four assistants.<sup>4</sup> This part of the constitution is similar to that of the East India Company at this date, except that the twenty-four officials are here called assistants instead of committees, and that a new office—that of sub-governor—is created. The latter difference is accounted for by the fact that the governorship of the African Company was an honorary appointment filled by members of the royal family. The quorum at the court meeting was seven, of whom either the governor, sub-governor or deputy-governor must be one.<sup>5</sup> In 1714 the qualification for an assistant was £2,000. Each £500 of stock commanded one vote up to a maximum of five votes.<sup>6</sup> In 1680 the stock-holders numbered 198.<sup>7</sup>

In addition to the privileges conferred by the charter, the company endeavored in 1672 to obtain Parliamentary sanction by promoting a bill. This was read a first time in the House of Lords but was "not proceeded with."<sup>8</sup>

For seven years, from its foundation up to 1678, the company was highly successful. In the three years 1676–1678, 50 guineas per cent. were paid or nearly 55 per cent.<sup>9</sup> These favorable results engendered hostility in two ways—as with the India Company, persons who had suffered for infringement of the monopoly of the company were bitter against it, and secondly those who had lost money from 1662 to 1670 and had failed to take up stock in the new undertaking were jealous of others who had been more fortunate. Writing in June, 1679, a member of the company says:

<sup>1</sup> *Ibid.*, f. 4.

<sup>2</sup> *Ibid.*, f. 19.

<sup>3</sup> *Ibid.*, f. 20.

<sup>4</sup> *Ibid.*, f. 8.

<sup>5</sup> *Ibid.*, f. 8.

<sup>6</sup> *Proceedings at a General Court Meeting of the Royal African Company, Feb. 18, 1714.* Lond. 1714 (British Museum 8223, e. 4).

<sup>7</sup> Treasury Records, Royal African Co., No. 1741. (Assts. Minute Book under June 17, 1680.)

<sup>8</sup> *Report of Royal Commission on Hist. MSS.*, IX. Pt. II., p. 9.

<sup>9</sup> *Vide infra*, p. 258.

"Mr. Edward Seymour is very bitter, because in the former stock he lost near £400 and is unconcerned in this. He was a subscriber but never paid his money so he envies us, and I believe we fare never the better at this time by having the Duke of York as our Governor."<sup>1</sup> Later in the year the same writer says that if the King wants money the company was not in a position to lend it, "for that's as poor as a Courtier . . . we go on paying off our debts that if the company be broke nobody may be sufferers but those that be in it."<sup>2</sup> The pessimistic prognostication of the last sentence was not borne out by events; for in the thirteen years from 1680 to 1692 eight dividends were paid and apparently a substantial reserve fund was formed. In 1691 the amount of each proprietor's stock was quadrupled without payment. This operation, like the doubling of the East India Company's shares in 1681, seems to have brought bad luck; for from 1691 to 1697 a series of disasters were encountered partly through the war and partly by disorganization of trade by persons who infringed the exclusive privileges of the company.

After the India Company had passed through the ordeal of an organized attack on its monopoly from 1692 to 1694, the opponents of exclusive grants turned their attention to the Royal African Company. The position of the company both financially and legally was comparatively weak and the assistants with some strategic ability petitioned Parliament in 1694 for leave to bring in a bill to establish the company rather than wait for the expected request for the formation of a regulated company. They alleged that the African trade was impossible unless carried on by a joint-stock company with exclusive privileges. The cost of the up-keep of the forts was £20,000 a year, and a regulated company could not find so large a sum. They also claimed consideration on the ground of the large losses of the company during the war, which were estimated at £400,000.<sup>3</sup> Davenant, who wrote in favor of the company, urged that it was the policy of its opponents to depreciate the value of the forts and factories, so that they should be transferred to the proposed regulated company at a nominal price.<sup>4</sup> Precedent was in favor of a joint-stock company for the African trade, for all other countries managed it on that basis,<sup>5</sup> and in no case by a regulated company — the reason being that in dealing with savages, forts and an armed force were necessary and the consequent charges could only be raised equitably from a joint stock. Further in dealing

<sup>1</sup> *Report of Royal Commission on Hist. MSS.*, VII. 472.

<sup>2</sup> *Ibid.*, 476.

<sup>3</sup> *Davenant's Works*, V. 157.

<sup>4</sup> *Ibid.*, 126.

<sup>5</sup> *Ibid.*, 127.

with natives unity of councils and a uniformity of rules were indispensable.<sup>1</sup> A single independent trader, who, for the sake of a quick profit, was prepared to ill-treat the natives had it in his power to injure the trade of other Englishmen by exciting the hostility of the chiefs.<sup>2</sup>

As against these arguments some very damaging evidence was adduced against the company at the Parliamentary enquiry which began on March 2d, 1694. One trader, Richard Holder, swore that he had a capital of £40,000 employed in the Guinea trade under license from the company. On his first expedition he made a profit of 50 per cent., in seven months, after paying 26 per cent. to the company on the value of his cargo. The next year the cost of his license was increased to 40 per cent. and in addition he was compelled to buy his trade-goods from the company, which cost him an extra 3 or 4 per cent. above the market price. He also suffered from being limited to trade only at certain specified places.<sup>3</sup> Besides these and other complaints of the excessive cost of licenses, it was alleged that the company had not complied with a provision in its charter, under which all goods imported were to be sold by "inch of candle," *i. e.*, by public auction. In the case of red-wood, sales had been made privately to some three or four favored persons, with the result that this commodity was engrossed and the price of it was three times what it had been formerly.<sup>4</sup>

The first result of the enquiry was that the Parliamentary committee recommended that the trade should be conducted on a joint-stock basis and the company received leave to bring in a bill.<sup>5</sup> This decision gave rise to further opposition and fresh petitions against the company. Finally in 1697 by the Act 9 and 10 Will. III c. 26 a compromise was effected. The company was continued, but its monopoly was modified so far as to legalize the position of the separate traders, who were to pay the following charges to the company to aid in the maintenance of the forts :

*On Outward Voyages.*

All goods ..... 10 %

*Homeward Voyages.*

Gold, silver, negroes ..... nil

Red-wood ..... 5 %

Other goods... ..... 10 %.<sup>6</sup>

<sup>1</sup> *Ibid.*, 131.

<sup>2</sup> *Ibid.*, 137.

<sup>3</sup> *Journals of the House of Commons*, XI. 114.

<sup>4</sup> *Ibid.*, XI. 287-290.

<sup>5</sup> *Ibid.*, 542, 592, 622.

<sup>6</sup> *Statutes*, VIII. 393.

This settlement was to last for thirteen years at least, and the separate traders had the right of establishing factories if they wished to do so. The effect of this arrangement was to render the African trade open to all who would pay the specified charges. The company discharged the duties of a regulated company without the privileges that accompanied them.

Though the separate traders had represented at the enquiry that, failing the formation of a regulated company, they were prepared to pay 5 to 10 per cent. for licenses, they now proceeded to undermine the position of the existing company. After the passing of the act, while the company was raising nearly half a million of nominal capital to equip expeditions, the first ships of the separate traders to reach Africa spread reports that the company was bankrupt and that the assistants were threatened with imprisonment for attempting to sell the forts to the Dutch. They seized several chiefs to ensure larger consignments of slaves for shipment to the plantations. The factors employed by the company were in many instances induced to enter the service of separate traders, and others who did not change masters engaged in private trade.<sup>1</sup>

Under such circumstances the trade could not be profitable to the company, and an even greater disadvantage than the hostility of the separate traders arose from the erroneous financial methods of the company which will be explained below.<sup>2</sup> Having issued stock at as low a price as 12 per £100 in 1697, further capital was obtained subsequently by the issue of bonds—at first from the public and later by an assessment on stock-holders for which scrip was given. Not only so but out of this money borrowed on bond dividends were paid as an “encouragement” to induce members to make further payments. The result was that the amount borrowed on bond, while only one-fourth of the *nominal* capital, actually exceeded the sums paid for that capital at the average of the various prices of issue.<sup>3</sup> Taking into account the unsatisfactory condition of the trade, the inevitable result of such vicious finance followed in 1708, when interest on the bonds could no longer be paid.

As a last resort application was made to Parliament at first in 1707 and again in 1709. In the latter year, in view of the nearness of the expiration of the thirteen years mentioned in the Act of 9 and 10 William III., the company petitioned for a fresh settlement on the ground that an open trade had depressed the price of English goods in Africa and raised the price of negroes in America.<sup>4</sup>

<sup>1</sup> *Davenant's Works*, V. 91, 93.

<sup>2</sup> *Vide infra*, pp. 252–254.

<sup>3</sup> *Vide infra*, p. 253.

<sup>4</sup> *Journals of the House of Commons*, XVI. 64.



This argument (which was similar to that advanced by the East India Company in 1656-1657) was supported by the planters, who gave as reasons for the enhancement of the price of negroes, first that there was excessive competition amongst the shippers in Africa and that therefore the cost price at the port was higher and secondly that owing to the want of skill of the new traders the mortality on the voyage was greater, with the result that the price of slaves in the West Indies was double what it had been before the trade was open.<sup>1</sup> The company, with the optimism of a suitor before a Parliamentary committee, stated that the stock-holders "were willing to advance more sums on their joint-stock."<sup>2</sup> The other side endeavored to show that the company, owing to its financial embarrassment, was in no position to maintain the present forts or to raise capital to build new ones.<sup>3</sup> During the season 1709-1710 the company's trade was only about one-thirteenth of that of the separate traders, as is shown by the following table.

*Comparison of Trade of the Company and Separate Traders.*<sup>4</sup>

	Number of Ships.	Value Cargoes.	to per cent. thereon.
Company,	3	£3,944. 2. 6	£394. 8. 3
Separate Traders,	44	£50,005. 12. 6	£5,000. 11. 3

Altogether the company's case did not appear to advantage and on March 31, 1712, it was resolved by a committee of the House of Commons that: (1) The African trade should be open to all British subjects under the management of a regulated company. (2) The forts were to be maintained and enlarged. (3) The cost of such maintenance should be defrayed by a charge on the trade. (4) The plantations should be supplied with negroes at a cheap rate. (5) A considerable stock was needed for carrying on the trade to the best advantage. (6) At least £100,000 value of English goods should be exported annually to Africa.<sup>5</sup>

Naturally the company petitioned against these resolutions, which were intended to form the basis of a fresh bill. The assistants urged that the company had a legal right to their forts, and if this right were denied they claimed the same trial at law as any other corporation to defend their freehold.<sup>6</sup> After considerable debate the matter dropped; and, as far as the legal position of the company was concerned, no change was made. An act, however, was passed, December 20, 1712, to enable the company to make a

<sup>1</sup> *Ibid.*, XVII. 636.

<sup>2</sup> *Ibid.*, XVI. 64.

<sup>3</sup> *Ibid.*, XVI. 235.

<sup>4</sup> *Ibid.*, 552.

<sup>5</sup> *Ibid.*, XVII. 164.

<sup>6</sup> *Ibid.*, 319.

settlement with its creditors,<sup>1</sup> which legalized the arrangement explained below.<sup>2</sup> On April 13, 1713, the House of Commons again resolved that the trade should be open, subject to charges for the maintenance of forts, and a bill was brought in to give effect to this resolution, which, after passing the Commons, was rejected by the House of Lords.<sup>3</sup>

Thus the respective rights of the company and the separate traders remained undetermined. On several occasions Parliament endeavored to effect some improvement, but without success. In 1750 the joint-stock company was dissolved after many further changes of capital, and in 1752 the forts were transferred from the recently created regulated company to the Crown.

#### THE FINANCE OF THE ROYAL AFRICAN COMPANY.

In the foregoing account of the contest against the exclusive privileges of the company it has been necessary to postpone the consideration of the financial operations of the assistants owing to the complicated nature of the capital account. Going back to the formation of the company in 1672, the preamble or prospectus for subscriptions had mentioned £100,000 as the amount of the proposed capital, but by 1676 the total stock issued was £111,100, at which figure it remained, during the successful years of the company's history, till 1691, when by order of a General Court held on July 30th it was resolved to give a bonus in stock of 300 per cent. to each stock-holder. There is reason to believe that the company had accumulated a considerable reserve out of profits over and above the 10 or 20 guineas per cent. paid annually as dividend.<sup>4</sup> The assistants in speaking of these early years mention "the great and extraordinary success with which the trade had been carried on."<sup>5</sup> Houghton, too, stated in 1682 that "the Guinea Company was as safe as the East India Company."<sup>6</sup> The wording of the resolution for the bonus addition of capital confirms this view of the company's finances at the time. It is expressed in the following terms: "voted, by reason of the great improvements that have been made on the Company's Stock of £111,100 that every £100 adventured be made £400 and that the members have credit given them accordingly."<sup>7</sup>

After the date of this resolution the capital stood at £444,400,

<sup>1</sup> 10 Ann c. 24.

<sup>2</sup> *Vide infra*, 255-256.

<sup>3</sup> MacPherson's *Annals of Commerce*, III. 34.

<sup>4</sup> Treasury Records, Royal African Co., No. 1455, f. f. 12, 34, No. 1456, f. 1.

<sup>5</sup> *Memorial on Behalf of the Royal African Co.* (British Museum, 816, m. 11).

<sup>6</sup> *A Collection of Letters for the Improvement of Husbandry and Trade*, II. 47.

<sup>7</sup> Treasury Records, as above, f. 14.

of which only about £80,000 had been paid in cash—a part of the stock having been reserved for members and creditors of the old company.

The time for quadrupling the stock was ill-chosen, for on the outbreak of the war immediately afterwards the company sustained great losses. In 1693, capital was required to carry on the trade; and, on March 27th, an issue of £180,850 of stock was made at £40 for the share of £100, bringing in £72,340. This issue came at a time when the price of the stock had been falling. In 1692 the quotation had varied from 52 to 44. In the next year, 1693—that of the issue—during the month of January it varied from 47 to 46; in February and March, previous to the new issue, the quotation was 44; afterwards it fell (March 28–30) to 41, so that the issue-price gave a very small bonus to applicants. The price remained at 41 during the months of April and May. With a few temporary recoveries it fell to 36 at the end of September, reaching 32 early in October, the lowest point of the year. Shortly afterwards there was a recovery to 34, which was maintained in November and December.

The evidence of the Parliamentary enquiry of 1694, in combination with other unfavorable circumstances, still further reduced the market value of the stock—the lowest prices of years 1694, 1695, 1696 and 1697 being 20, 18, 17 and 13 respectively. During these years the company had become considerably indebted and, instead of sending ships to Africa, it had licensed merchants not free of the company at a high royalty. After the compromise of the act of 1697, which, while not providing a satisfactory settlement of the company's legal position, at least settled matters for some years, an attempt was made to raise capital to discharge the most pressing liabilities and to despatch ships. The governor and assistants decided to make a fresh issue of capital. In 1697 the price of the stock had fallen as low as 13 for cash and 16 for payment in bank-notes. It was resolved on October 7 to double the existing capital of £625,250, the new issue being offered at 12 per £100 stock payable by installments of £7 “presently,” £3 on April 7, 1698, and £2 on October 7, 1698. Although the issue-price gave a bonus of nearly 10 per cent. only £475,800 stock was taken up which realized £57,096. Thus the total capital after October 7, 1697, stood at £1,101,050.<sup>1</sup>

In 1698, according to a report of the Board of Trade, the balance in favor of the company, including ships, stock and debts due (some of the latter being admittedly not good), after deducting lia-

<sup>1</sup> Treasury Papers, No. 1459 f.f. 1, 134. Also an inset leaf in No. 1458, giving particulars of the various issues of stock.

bilities amounted to £189,913.5<sup>1</sup>. It is a somewhat curious coincidence that the middle market price of the year, 16, gave a valuation of £176,168 for the £1,101,050 nominal capital, and the highest price, 17, a valuation of £187,178.10.

It will thus be seen that the history of the capitalization of the company is slightly complicated, and from the fact that stock was issued as low as 12 it might be concluded that the shareholders had suffered severely by the reduction of the value of their holdings. It is to be remembered, however, that the total capital of £1,101,050 represented cash payments of £240,536 only (ranking the amount of stock handed over to creditors and shareholders of the old company as cash).<sup>2</sup> Now taking the four years 1698-1701 — being the period intervening between the last issue of share capital and the first floatation of bonds which latter event affected quotations — the mean price was 16¾ and, therefore, the valuation of the £1,101,050 stock was £180,297. Therefore, at this price, the total investment of £240,536 was valued at £180,297, the loss being £60,239 or only about 25 per cent., while at the highest price for the four years, 24, the market price showed a profit of nearly 10 per cent. The same facts may be expressed in another form. The original £100 stock was converted into £400 stock, without fresh capital being brought in — in other words by the re-arrangement of 1691 £25 of the original subscription commanded £100 of stock — the issues of 1693 and 1697 were made at 40 and 12 respectively, so that taking into account the different amounts subscribed the average issue-price of each £100 stock was about 21.85. The following table shows the position of the stock-holder at this average with some representative quotations :

	Average of the High and Low Prices of 4 years.	Highest Price, 1698-1701.	Lowest Price, 1698-1701.	Average of the Highest and the Low- est Price.
Stock exchange quotations . . . . .	16¾	24	12	18
Average amount paid per £100 stock .	21¾	21¾	21¾	21¾
Gain or loss per £100 stock . . . . .	-5¾	+2¼	-9¾	-3¾

In 1702, the company being still in want of money, a new method of finance was adopted. At a General Court held on December 15th it was resolved that a call should be made of £6 per cent. on all stock-holders and bonds were to be given for the

<sup>1</sup> British Museum Add. MSS., No. 14,034, f. 104.

<sup>2</sup> *Vide infra*, p. 257. "Summary of Capital."

amounts paid in response to this assessment. This call represented nearly 50 per cent. of the price paid by persons who had recently purchased stock. Following the same method £7 was called in 1704, £4 in 1707 and £4 in 1708. These calls should have brought in about £230,000 but only £207,098 was paid. By one of the many coincidences in the finance of this company, the total amount of calls (21 per cent.) almost exactly equalled the average issue-price of the stock. Besides these bonds accepted by stock-holders under compulsion, there was due to outsiders, also on bond, over £92,000, making the total debt about £300,000. Thus in 1706 the capital of the company was as follows :

Due on bond about.....	£ 300,000
Stock .....	1,056,350 <sup>1</sup>

Some of the bonds had been issued at a discount of 20 per cent., so that it is probable the actual amount received in cash for the bonds was but little in excess of the amount of capital actually subscribed, the amounts being approximately as below :

Amount realized by issues of bonds, say,.....	£280,000
“ “ “ “ “ capital stock ...	240,536

So far the history of the company had been on the whole unfortunate; it now became little short of dishonest. As an “encouragement” for shareholders to pay these assessments, dividends were declared, and made out of capital. In this way seven dividends were paid from 1702 to 1707 amounting to 4½ per cent. or about £47,500,<sup>2</sup> so that the assessed stock-holders, while receiving back nearly one-quarter of the principal lent (in the form of dividend on their ordinary stock), were being paid interest on the whole of it. Probably the interest on these bonds was also paid out of capital, so that the stock-holders who advanced money were able to rank as preferred creditors for the whole amount of their bonds after, in some cases, half of the amount had been repaid in the form of interest and dividends !

This mode of finance as well as the pressure of loans generally on the company at a critical period of its history was a more serious hindrance to its prosperity than the losses of the war or the competition of the separate traders. If the increment of capital from undivided profits in 1691 was *bona fide* it had confessedly been lost ;

<sup>1</sup> Treasury Records, Royal African Co., No. 1,488, f. 23. The amount of stock is reduced, owing to forfeitures for non-payment of calls.

<sup>2</sup> This is calculated on the amount of stock existing in 1706 which was less than that outstanding in 1697, owing to forfeitures for non-payment of calls (see below, “Summary of Capital,” p. 257).

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thus the real capital of the company was actually less than the loans for which it was pledged. In 1710 the company presented a valuation of their assets to Parliament in which its quick stock (including debts due, apparently both good and bad) negroes and stock only amounted to £279,555. It is true that the total was swelled to £517,749 by an exaggerated estimate of the dead stock (forts, etc.) at £238,194;<sup>1</sup> but whatever may have been the value of the latter, it is obvious that the bonds were ill-secured both as to principal and interest. Early in 1708 bonds were sold at 84,<sup>2</sup> and later in the year when interest could no longer be paid, according to one account, the price was as low as 30.<sup>3</sup> The embarrassment of the company was reflected in the price of the stock which touched  $4\frac{7}{8}$  in 1708 and fell as low as  $2\frac{5}{8}$ ,  $2\frac{1}{2}$ ,  $2\frac{1}{8}$ ,  $2\frac{1}{4}$  in the years 1709, 1710, 1711, 1712 respectively—thus at the lowest price the million of capital was valued at no more than £21,500.

Obviously the time for reconstruction had come, indeed the rearrangement of the capital account had been too long delayed. In January, 1709, the governor and assistants had petitioned Parliament for the restoration of the privilege of exclusive trade, and for the next two years this question was under the consideration of the House.<sup>4</sup> At first there was some difficulty in arranging a reconstruction owing to the necessity of providing fresh capital in a way that would be acceptable to the creditors, who were not willing to take new stock for their debts. The company professed itself ready to raise £500,000 as an additional stock and undertook to write down the existing capital to its present estimated value.<sup>5</sup>

According to an estimate made by the company, the capital required was £1,238,194, of which £238,194 represented the previous value of the dead stock, and the remaining £1,000,000 the existing quick stock augmented by the proposed new subscription.<sup>6</sup> Under this scheme the valuation of the existing capital would have been much beyond its market price and therefore both the creditors and new subscribers would have been under a distinct disadvantage. Another scheme, about 1710, proposed the formation of a new or reorganized company, consisting of the members of the old, its creditors and new subscribers. The dead stock was to be valued at £150,000 (little more than half the former estimate), and the other

<sup>1</sup> *Journals of the House of Commons*, XVI. 317-319.

<sup>2</sup> British Museum, Add. Mss. No. 14,034, f. 105.

<sup>3</sup> *Journals of the House of Commons*, XVI. 326.

<sup>4</sup> *Ibid.*, 64.

<sup>5</sup> *A Short and True Account of the Importance and Necessity of Settling the African Trade* (? 1712, British Museum, 816, m. 11 (12)).

<sup>6</sup> *The Royal African Company and the Separate Traders agreed*, etc. (British Museum, 8223, c. 11.)



assets were to be taken at the price which they might be expected to fetch in the open market. The total estimated value of all assets on this basis was to be divided equally between the present stockholders and the creditors.<sup>1</sup> Under this proposal it is probable that the creditors would not have been paid in full even in new stock to the amount of their debts and for this and other reasons no more is heard of this scheme. A further obstacle to an equitable reconstruction arose from the speculation that had grown up in the bonds of the company since the suspension of interest in 1708.<sup>2</sup> There were thus three classes of bondholders to be considered: (a) those who in the successful years of the trade had purchased bonds as an investment; (b) members of the company who by right of such membership had received bonds either at a discount or who having subscribed at par had received back a part of the sums lent in the form of dividends on their stock; (c) speculators who had bought bonds as low as 30 on the chance of payment being made at par or only a slight discount on reconstruction. Obviously the latter class deserved little sympathy but their position was strengthened by the fact that a large proportion of the bonded debt was still held by members of the company, who by their voting rights would exert a large influence on the terms of reconstruction.

Meanwhile the condition of the company's finances had gone from bad to worse. The assistants in 1712 spoke of its difficulties "as being without precedent or parallel."<sup>3</sup> It had in fact come to the end of its resources, having "mortgaged both its stock and credit"<sup>4</sup> and there was no way out of the "labarynth of debt" in which it was involved.<sup>5</sup> Finally in September, 1712, a reconstruction scheme was at last agreed to which was sanctioned by Act of Parliament.<sup>6</sup> According to this scheme the capital was to be written down by 90 per cent., thereby reducing it to practically the same amount at which it stood at the formation of the company in 1672. The stockholders, before receiving stock in the reorganized company, were to pay a call to provide working capital and the money due on bond was to be paid by an issue of new stock to the bondholders at par.<sup>7</sup> There is some uncertainty as to the amount

<sup>1</sup> *A Proposal agreed unto for the more Effectual Support and carrying on the Trade to Africa.* (British Museum, 816, m. 11.)

<sup>2</sup> *Some Queries relating to the Present Dispute about the Trade to Africa.* (British Museum, 816, m. 11.)

<sup>3</sup> *A Short and True Account of the Necessity of Settling the African Trade.* (British Museum, 816, m. 11.)

<sup>4</sup> *Ibid.*

<sup>5</sup> *The Case of the Royal African Company.* (British Museum, 8223, e. 18.)

<sup>6</sup> 10 Ann. c. 34.

<sup>7</sup> *A Brief Narrative of the Royal African Company's Proceedings with their Creditors*, pp. 1-3. (British Museum, 8223, e. 30.)

of new stock distributed amongst the members and the rate of the assessment. In the ten years since 1702 there had been a reduction in the capital from £1,101,050 to £1,009,000 through forfeitures for non-payment of calls. This capital of £1,009,000 was exchangeable for new stock at 10 per cent. of its face value. An assessment of 5 per cent. on the old capital or 50 per cent. on the new was made and in this way £50,450 working capital was provided. Thus the total amount of new capital available for the old stock-holders was £151,350.<sup>1</sup> The following are the details in tabular form showing the total capital after reorganization :

*Capital Reorganization of 1712.*

Old capital of £1,009,000 written down by 90 per cent.,	£100,900
Assessment of 50 per cent. thereon,	50,450
New stock allotted to proprietors,	£151,350
Stock given in exchange for bonds, (about)	300,000
Total capital after reorganization,	£451,350

Previous to the reconstruction the sum of £240,536 actually subscribed for the nominal capital was, at the middle price of January in 1713, *i. e.*,  $4\frac{1}{16}$ , valued at no more than £40,990 or less than 20 per cent. of the total original subscriptions—in other words the £100 of stock, which cost at average issue-prices  $21\frac{3}{4}$ , could now be purchased at from  $4\frac{1}{4}$  to  $3\frac{7}{8}$ . To compare these quotations with those prevailing after the reconstruction it is necessary to take account of the estimated amount of the assessment, and, making this allowance, the following comparative results are obtained :

Market value of stock prior to reconstruction as above,	£40,990	
Assessment paid in cash,	50,450	Converted into new stock amounting to
	£91,440	£151,350
		which was worth at 60%,
		90,810

It therefore follows that the first price quoted after the reconstruction, *viz.*, 60, was practically equivalent to the previous one, taking account of the assessment. The middle price of the year 1713, *i. e.*,  $52\frac{3}{4}$ , showed a decline and the lowest ( $45\frac{1}{4}$ ) a further decrease. In the next year, 1714, the quotation continued to recede, owing to a further call of 25 per cent., for which neither

<sup>1</sup> Treasury Records, Royal African Company, No. 1489, f. 66.

stock nor bonds was given.<sup>1</sup> At this date the capital had been reduced to £402,950, probably through forfeitures for non-payment of the call at the reorganization. According to a statement made at the court meeting when this call was sanctioned, the assets then stood at £405,519.

From 1715 to 1718 the company continued to be unfortunate. The lowest price of each of the four years was only 15 or 16 for the reduced capital, thus repeating those from 1697 to 1700 for the old. A further instance of the ill-luck of the company came in 1720 when an issue of capital, known as the "engrafted stock," was made at a low price, and within a few months the price had risen from 23½ to 185.<sup>2</sup>

SUMMARY OF THE CAPITAL OF THE ROYAL AFRICAN CO., 1672-1712.

	Stock.	Cash.
1672. In the reconstruction of the old company its members received stock credited as fully paid, £12,200		
New members paid for remaining stock at par, £98,900	£111,100 0 0	£111,100 0 0
1691, Bonus addition of 300 per cent. without payment, July 30.	333,300 0 0	
Totals, 1691,	444,400 0 0	111,100 0 0
1693.		
Mar. 27. Issue of £180,850 stock at 40,	180,850 0 0	72,340 0 0
Totals 1693,	625,250 0 0	183,440 0 0
1697,		
Oct. 7. Issue of £475,800 stock at 12,	475,800 0 0	57,096 0 0
Totals, 1697,	1,101,050 0 0	240,536 0 0
1706, Apr. 9 } Owing to forfeitures for non-	1,052,550 0 0	
1706, Jul. 11 } payment of calls total stock	1,055,650 0 0	
1706, " 15 } was—	1,056,350 0 0	
1712, Sept. 25		
At this date total stock was	1,009,000 0 0	
Old stock written down by 90 per cent. and exchanged for new stock under reorganization, £100,900		
Assessment of 50 per cent. for which stock was given, 50,450		50,450 0 0
New stock assigned to creditors (say) 300,000		280,000 0 0
Total stock after reconstruction, £451,350	£451,350 0 0	£570,986 0 0

<sup>1</sup> *Proceedings at a General Court Meeting of the Royal African Company, Feb. 18, 1714.* Lond. 1714, British Museum (8223, e. 4).

<sup>2</sup> Treasury Records, Royal African Co., No. 1743, f. 2.

## DIVIDENDS AND PRICES OF STOCK.

Prices. <sup>1</sup>				Dividends. <sup>2</sup>
Year.	Date of Highest Price.	Highest and Lowest Prices.	Date of Lowest Price.	
1672 to 1675				{ I 10 guineas per cent. at $22\frac{1}{8}$ equal 11% sterling. II 10 do. equal do. III 10 do. at $21\frac{1}{6}$ equal $10\frac{1}{2}\%$ sterling. IV 10 do. do. V 10 do. at do. equal do.
1676				
1677				
1678				
1679				
1680				VI 10 do. equal do. VII 10 "
1681				
1682				From 1682 to 1691 inclusive five dividends were paid. <sup>3</sup>
1683				
1684				
1685				
1686				
1687				
1688				
1689				
1690				
1691				
1692	Jan.	52-44	May 9, 16	XIII 3 per cent. on the new capital equal 12% on the old capital.
1693	Jan.	47-32	Oct. 6	
1694	12, 19 Jan.	34-20	Apr. 27, May 3	
1695	9, 16 Jan., 21 Aug., 13 Nov., 11 Dec.	23-18	Dec. 20-31	
1696	5 Feb.	21-17	Apr. 23, May 20, June 24, Dec. 30	
1697	6 Jan.	17 } 16 13 <sup>4</sup>	Aug. 25-Dec	
1698	24 Aug.	17-15	Oct. 5	
1699	4, 11 Jan., 28 Mar., 16 Apr. to 10 May	16-14	Sept. 6	
1700	7 Aug.	24-15	Jan. 17	
1701	16-30 Apr.	18-12	Dec. 17-24	
1702	5, 12 Aug.	15-11	Feb. 4, 11; Apr. 29 to June 17	I <sup>a</sup> $\frac{1}{2}$ per cent.
1703	25 Aug.	$22\frac{1}{8}$ -12	Feb. 24 to Mar. 17	II <sup>a</sup> $\frac{1}{2}$ per cent.
1704	15 Dec.	$23\frac{1}{2}$ -18	Oct. 30	III <sup>a</sup> $\frac{1}{2}$ per cent.
1705	8, 17 Jan.	$21\frac{1}{2}$ - $14\frac{1}{4}$	Dec. 5	{ IV <sup>a</sup> $\frac{3}{4}$ per cent. V <sup>a</sup> $\frac{3}{4}$ " VI <sup>a</sup> $\frac{3}{4}$ " VII <sup>a</sup> $\frac{3}{4}$ "
1706	14 June	$17\frac{3}{4}$ -14	Apr. 24	
1707	8-20 Jan.	$15\frac{1}{4}$ - $7\frac{3}{8}$	Aug. 15-25	
1708	7 June	$8\frac{3}{4}$ - $4\frac{7}{8}$	Apr. 14	
1709	7 June	6- $2\frac{3}{8}$	Oct. 7	
1710	4 Jan.	$4\frac{1}{4}$ - $2\frac{1}{2}$	Feb. 20	
1711	5 Oct.	$4\frac{1}{2}$ - $2\frac{1}{8}$	May 23, July 9-23	

DIVIDENDS AND PRICES OF STOCK.—(Continued.)

Year.	Prices.			Dividends.
	Date of Highest Price.	Highest and Lowest Prices.	Date of Lowest Price.	
1712	11 Jan., 15 Feb., 22 Feb., 7 March	4¼-2¼	May 7	
1713	2, 16 Jan.	4¼-3¾	Jan. 9	

NEW STOCK AFTER REORGANIZATION

1714	2 Feb.	60-45½	Dec. 18	
	8 Jan.	46-22	Dec. 10-28	
1715	8-27 April	27-15	July 27-Aug. 22; Sept. 28- Dec. 2	
1716	4 Oct.	30-15	June 18-Aug. 5	
1717	6 Dec.	22¾-16	July 5	
1718	3-11 Jan.	22½-16	June 3-Aug. 29	
1719	23 Oct.	26-23	Oct. 14	
1720	3 June	85-23½	Jan. 1-8	

<sup>1</sup> The prices up to 1703 are taken from Houghton's *Collection for Improvement of Husbandry and Trade*, after that date from the *Postman and Historical Account*, the *Daily Courant* and other newspapers.

<sup>2</sup> Treasury Records, Royal African Co., No. 1455 (Stock Journal), No. 1678 (Minute Book of Assistants).

<sup>3</sup> There are no Stock or Court Books in existence for these years.

<sup>4</sup> 13 for cash, 16 in "Bank Money."

W. R. SCOTT.

## THE PLANTATION TYPE OF COLONY

INASMUCH as the various colonial governments in America were different in form and appearance, and inasmuch as the government of any one colony sometimes altered in form as time went on, writers and teachers have shown a tendency to dwell upon these dissimilarities and to emphasize their presence as throwing light on the evolution of the American state. Whether this manner of treating our history, if fairly done, be right or wrong, it certainly brings difficulties to the student who takes up the constitutional side of colonial development, for it obscures as well as illumines. More grateful, sometimes, is the discovery of similar institutions and conditions. Approaching the subject from this side, the effort must be to emphasize the features that are common. If, for example, it be possible to show that the earliest settlements in Virginia, New England and New Netherland had common, but distinctive, features which mark them as different from later colonial forms, then it is permissible to use these features as descriptive of a form of community that may be called typical. This form would stand as the earliest practical model of colonial effort. Such a type would conveniently aid analysis and comparison at the beginning of colonial history. If, with this step taken, it be possible to go still further and to point out that this special type reproduced itself all through colonial history, even though in modified forms, then another step has been taken and the original type stands forth as a concept that touches the whole colonial period. Like the biologist's concept of a "genus" it may be a standard for testing and grouping allied forms.

The conditions at Jamestown from 1610 onward give the earliest illustration of a colonial community which can be used as the type of a persistent form. The English settlements at Jamestown and Sagadahoc before 1610 were both tentative and undisciplined efforts ending in abandonment. But when Lord Delaware turned back the fugitives who had fled from Jamestown in 1610 and re-established the colony, he began a period marked by better management and more definite aims. The Jamestown colony, as maintained by Delaware and his deputies, had the following characteristics; absence of private property, agriculture as industrial basis, union of pro-



prietorship with jurisdiction, government for economic ends chiefly, and discretionary administration. The absence of private property is the most striking feature, perhaps, of this colony. Under the charter the soil of Virginia was given by the crown to the Virginia Company and held by the company at its own disposal. Houses were built upon the soil, and garden-plots were assigned<sup>1</sup> to colonists, but there was nothing of permanence in the possession so given, and private property in land was thus absent. The labor of the colonists was pledged to the company for a term of years, being at the disposal of the company's governor in return for maintenance and future dividends.<sup>2</sup> While the word "servant" is seldom applied to the company's colonists, probably because they were technically stock-holders, nevertheless they were really hired employees and treated as such. It is true, then, that private property in labor was absent. Cattle were constantly sent to Virginia by the company.<sup>3</sup> Necessarily they were cared for by colonists, but they seem to have remained company property.<sup>4</sup> Sandys calls them happily "the goods of the Company, for the service of the public."<sup>5</sup> The produce of the colonists' labor, when exported, was the property of the company and sold for its benefit. Economic conditions indicate the colony as like a private estate. Two other facts are pertinent; colonists had no right to export for themselves,<sup>6</sup> they had no right of residence if the colonial governor thought fit to deport them, nor right to depart if the governor were unwilling that they should do so.<sup>7</sup>

Agriculture was the basic industry of colonial life, because no other source of food supply was as convenient and reliable as that of the tilled field. The other sources of supply were Indian trade, fishing and English aid, but none of these was as important as agriculture. The historical importance of agriculture lies in its moulding influence upon colonial life. In Virginia especially, the rise of tobacco-culture was notable, but even before the first tobacco-crop the value of land as a means for agricultural effort was leading the colonists on to progressive steps of great significance. The tillage

<sup>1</sup> Force, *Tracts*, I. "New Life of Virginia," p. 14.

<sup>2</sup> For terms given colonists: Force, *Tracts*, I. "Nova Britannia," 23-24; also Brown, *Genesis of the United States*, I. 249, 253, 426. For management of labor: Force, *Tracts*, III. "True Declaration," p. 20, and "Laws Divine," pp. 15-16; also Brown, *Genesis*, I. 491-493.

<sup>3</sup> Force, *Tracts*, I. "New Life of Virginia," p. 12; "Nova Britannia," p. 23.

<sup>4</sup> Force, *Tracts*, III. "Laws Divine," p. 15, shows control by company.

<sup>5</sup> Brown, *The First Republic in America*, 225.

<sup>6</sup> Free trade began 1618. Brown, *First Republic*, 259.

<sup>7</sup> Free migration was granted by 1617. Brown, *Genesis*, II. 798.

done in Virginia before 1610 seems to have been unsystematic. The union of economic proprietorship and political jurisdiction was the third characteristic feature of Jamestown colony. The company held both political and economic control over the colony and exercised both without separation, by giving them into the hands of the governor whom it set over the colony. But while the company possessed both political and economic powers, its chief interest lay with the latter. The fact that government was for economic ends chiefly is another characteristic. That there were altruistic ideas like conversion of savages and relief of paupers attached to dreams of development need not be forgotten, but the practical ruling motive of action is plainly commercial. Hence the contrast between the early colony and its later form. The proprietors worked and hoped for returning cargoes of marketable products, while the colonial governor busied himself to plant crops, control his workmen, buy furs, husband supplies and scheme for new sources of wealth.<sup>1</sup> The earliest colonial history is distinctly economic. Discretionary administration was also characteristic of the earliest colonies. Given a body of men needing to be held sternly to uncongenial work, and the necessity of a strong hand in control is apparent. At Jamestown the governor had absolute power.<sup>2</sup> Nominally the colonists had a right to vote as stock-holders at company meetings, but there is no record of proxies from them, and by neither royal charter nor company grant were they given any power against the company's governor. This gave the governor full discretionary power, exercised with the advice of a council chosen by himself.

At New Plymouth colony conditions similar to those at Jamestown existed. The colonists here were offered, and, after hesitation, accepted terms like those of the Virginia colonists. The lands of the colony belonged undividedly to a group of persons vaguely described as "John Pierce and his associates," under which term were included some London merchants and also such colonists as might be duly enrolled with them as partners. Unlike the Virginia Company, they held no charter although organized as a joint-stock company. Under the terms given the colonists, the latter were to settle on the land which the partners held from the New England Council, pledging their labor for a term of years, receiving meanwhile, from the common treasury, houses, food and clothing, and in return sending the London men such products as they could.<sup>3</sup> Obviously, these conditions left no room for individual property. In this

<sup>1</sup> Brown, *Genesis*, I. 385, 415, 491-493.

<sup>2</sup> *Ibid.*, I. 376-383, also II. 801.

<sup>3</sup> Bradford's *History "of Plimoth Plantation"* (ed. 1898), 56-58.

colony agriculture took its place as the industry on which colonial life depended most. Fishing and fur-trade were developed, it is true, but to the colonists themselves the importance and necessity of tillage were clear,<sup>1</sup> and their earliest disagreement with the London partners was caused by their demand for land of their own.<sup>2</sup> Union of jurisdiction with proprietorship existed at New Plymouth also by virtue of the patent from the New England Council.<sup>3</sup> There was no separation of the two in colonial administration. Colonial government was carried on for economic purposes, the governor being responsible to the London partners and occupied in overseeing labor and supplies.<sup>4</sup> The last feature of those enumerated was present, though not in the absolute form adopted in Virginia. At New Plymouth the governor, although an officer charged with the interests of European investors, was nevertheless elected to his place by the colonists. His elective tenure seems not, however, to have prevented him from wielding discretionary power,<sup>5</sup> unchecked by local statutes or immunities of any sort.

New Netherland was first settled with posts of fur-traders, but until 1624 there is no evidence of family life or of systematic agriculture in the colony and, therefore, no hint of permanent settlement. After 1624, when the West India Company sent over actual agricultural colonists, the history of New Netherland shows some likeness to that of the English colonies. The details of the first ten years after 1624 are very obscure, but such positive and negative evidence as exists points clearly to a type of colony like that of Jamestown in its essential characteristics. As to land-ownership, it is clear that the company bought Manhattan Island for itself in 1626 and removed to it the scattered colonists previously sent over, that six farms were laid out, which seem to have been company property at first and were certainly so some years later, and that there is no reference to private land holding on Manhattan before 1636.<sup>6</sup> As to labor, it is certain that a considerable part of the colonists were employees of the company.<sup>7</sup> There is no definite

<sup>1</sup> *Ibid.*, 162.

<sup>2</sup> *Ibid.*, 58.

<sup>3</sup> Massachusetts Historical Society, *Collections*, Fourth Series, Vol. II.

<sup>4</sup> *History "of Plimoth Plantation,"* 129, 133-135, 139, 191.

<sup>5</sup> *Ibid.*, 133-135, 151, etc.

<sup>6</sup> Scattered hints on land in *N. Y. Col. Docs.*, I. 37, in *Doc. Hist. of N. Y.*, III. 28, 31, 32, in *N. Y. Hist. Soc. Coll.*, 2d S., II. 345. While there is no positive evidence against private holdings before 1636, the conditions are such as to throw the burden of proof upon those who might claim their existence. It is unlikely that private holdings should exist during 1627-1636 without some current or retrospective reference to them.

<sup>7</sup> *Doc. Hist. of N. Y.*, III. 30; *N. Y. Col. Docs.*, I. 181, 296, II. 765; Force, *Tracts*, II. "Planters Plea," 27-28.

statement extant as to the terms given colonists, but various hints show that they were transported by the company, paid wages after their arrival, and furnished with some amount of supplies.<sup>1</sup> These hired colonists were not members of the West India Company.<sup>2</sup> The company also sent over cattle, which were cared for by colonists, and yet, apparently, remained the property of the company.<sup>3</sup> Such facts as these show that the proprietors of New Netherland were bent on establishing an agricultural community on Manhattan Island. The governor whom they sent over to manage their interests lived at Manhattan and managed both the local affairs and the more distant work of the fur-trading stations. As in the English colonies, the company held both jurisdiction and proprietorship.

The three earlier colonies thus show the dominance of the economic motive over the political. The problems of the early governors were those of commerce rather than of statecraft, and the colonies themselves must be considered essentially unlike their own later forms when the political phase of government became more developed. Englishmen of the colonial period called the American settlements "plantations," and that word is a convenient one for designating the earliest type of colonial experiment. A definition may be made. The "plantation type" of colony is that form of settlement which showed in its structure the economic motive in its completest form; or, the typical form of a plantation was that of an economic unity, based upon agriculture, under an exclusive local government which combined political jurisdiction with the powers of economic proprietorship. Since a type is only a standard of measurement for classification, it is not essential that it should actually exist, but the plantation type as here described did exist at two, probably three, separated points.

The plantation type had but a short existence in those places where it appeared, a change being wrought by the appearance of private property in land. Obviously the plantation was no longer an economic unity when the immediate control of tillage passed out of the hands of the plantation proprietors. Only political unity remained. The appearance of private property was always the beginning of a change that ceased not until the economic control of the proprietors was swallowed up. In the Virginia colony the altera-

<sup>1</sup> *Col. Docs.*, I. 181, II. 768; *Doc. Hist. of N. Y.*, III. 30.

<sup>2</sup> They had, consequently, no promise of future dividends like English colonists. In later years, and probably from the beginning, the West India Company kept an account with each employee, crediting with regular wages, and debiting with supplies and transportation. The account could be completely closed at any time.

<sup>3</sup> *Doc. Hist. of N. Y.*, III. 25, 26; *N. Y. Hist. Soc. Coll.*, 2d S., III. 89; *N. Y. Col. Docs.*, XIV. 5, 6, 19.

tion of the plantation type can be roughly traced in the time of Dale and Argall. The change seems to have begun in 1614 when Dale allotted small tracts to some of the colonists on a formal tenure involving quit-rent and one month of labor in each year.<sup>1</sup> These tracts passed to private tillage, and before the close of the year there were eighty-one of these farms in the colony.<sup>1</sup> Whether this idea was Dale's own, or the result of English orders, is not clear. Up to this time the colony had cost the proprietors about 500,000 dollars<sup>2</sup> without any balance of profit, and Dale's move seemed intended to make the colony self-supporting. The new policy was popular in Virginia. In 1617, when Argall came, the number of tenant-farmers on the company land outnumbered those bound to regular service.<sup>3</sup> Apparently acting under instructions, Argall did more to destroy the old system on the company's plantation by selling the cattle to private owners.<sup>4</sup> A year later he reported that the land under cultivation was completely exhausted,<sup>5</sup> and some hints indicate that he stopped entirely the work on the company's farms.<sup>6</sup> Thus within five years the colonial governors were evidently shifting off from the company the burden, as it had proved to be, of managing a plantation. There yet remained various tracts to the company, worked by colonists whom they sent over, but the Jamestown plantation was parcelled out to private interests. The proclamation of 1619 may perhaps be called its final ending.<sup>7</sup>

The plantation at New Plymouth had a shorter lease of unity than that at Jamestown. Discouraged by recurring ill-luck the London proprietors, upon whom rested the burden of maintenance, failed to send their people adequate support. Governor Bradford met the emergency in 1623 by assigning tracts on yearly tenure with economic independence for each possessor. In the same year the London partners sent over free planters for the first time, and their number was increased somewhat by an emancipation of discontented colonists.<sup>8</sup> By the close of 1623 the New Plymouth colony had reached the same point to which Jamestown had come in 1616, that is to say, it contained private interests and free labor based upon a very weak land-tenure. In this condition the colony remained for a time, while the London partners made some futile

<sup>1</sup> Brown, *First Republic*, 205, 227, 229.

<sup>2</sup> *Ibid.*, 432.

<sup>3</sup> *Ibid.*, 253.

<sup>4</sup> *Ibid.*, 258, 279.

<sup>5</sup> *Ibid.*, 260.

<sup>6</sup> *Ibid.*, 277.

<sup>7</sup> *Ibid.*, 287.

<sup>8</sup> Changes of 1623 in *History "of Plimoth Plantation,"* 162, 201, 171, 178, 188.

efforts toward support. Finally, when the London men were \$7,000 in debt and weary of it all,<sup>1</sup> the colonists offered to buy them out and the bargain was struck. Smith said in 1624 that about \$35,000 had been sunk in the experiment.<sup>2</sup> While this was far less than the cost of Jamestown, it was enough to stamp the venture as a business failure. By the deed of sale to the colonists the powers of the London men over the colony were transferred. The American proprietors thereupon divided up the occupied land and the cattle among themselves,<sup>3</sup> and the plantation placed itself upon a basis of recognized individualism. The colonists retained the political power, however, as a common interest and it continued to be exercised by the colonial governors whom they chose at the annual elections. At New Plymouth as at Jamestown the story of the colony shows proprietary losses, temporary installation of private interests, and the absorption of the proprietors' improved property by the holders of private interests.

In the Dutch colony at Manhattan the effort to make plantation work profitable proved as unsuccessful as in the English settlements, apparently.<sup>4</sup> Such profit as came to the West India Company through New Netherland was from the fur-trade. In 1629 the company issued the Articles of Freedoms and Exemptions, which offered privileges to owners of private plantations and to individual free planters.<sup>5</sup> Under these articles the private plantation of Pavonia was settled on the west side of the Hudson, but otherwise there seem to have been no results in the Manhattan region from the concessions of 1629. Not until 1636 is there any evidence of private land-holding on or near the Manhattan purchase. In that year certain Indian grants of farms on Long Island were validated and a grant is said to have been made of land on Manhattan Island itself.<sup>6</sup> These acts are the earliest recorded alteration of the dimly indicated economic unity of the plantation. The creation of free farms on Long Island brought under the local management of Manhattan some persons who were politically subordinate to but economically independent of the company, and who had a recognized attachment to the soil. About the same time that private interests in land were beginning, the director of the colony was selling or leasing the cattle of the company, and allowing the company farms

*Ibid.*, 240-241.

<sup>1</sup> Arber, *Capt. John Smith*, 783, 943.

<sup>2</sup> *History "of Plimoth Plantation,"* 259; Plymouth Records, XI. 4.

<sup>3</sup> *N. Y. Col. Docs.*, I. 40, 65, 84, 181; *New Eng. Reg.*, XL. 70.

<sup>4</sup> Article 21 relates to free planters. *N. Y. Col. Docs.*, II. 556.

<sup>5</sup> *N. Y. Col. Docs.*, XIV. 2-4; Brodhead, *History of the State of New York*, I. 266.



to be turned from tillage to pasture.<sup>1</sup> Director Van Twiller, under whom these incidents occurred, was superseded in 1638 by Director Kieft. In his first year of control some orders were issued for the control of the company's men and the recall of company property,<sup>2</sup> but the growth of private interests was encouraged. It was Kieft who created a mass of tenantry on Manhattan Island by granting lands on quit-rent, first by specific instrument and then by general order.<sup>3</sup> The grants made during Kieft's first two years included leases of the company farms, of its saw-mill and smithy,<sup>4</sup> showing the completeness of the growth of individualism. Apparently the Manhattan agricultural settlement had passed through the same cycle of change as Jamestown and New Plymouth, although its progress is far more obscure.

The summing up of these repeated examples of plantation change must be, at the best, unsatisfactory, because of the lack of full details, but there seems to be a logical course of events. The first step was doubtless the appearance of the free laborer on the plantation, whose presence was due, not to free immigration, but to the expiration of service. Many colonists went back to Europe when their terms expired, but others preferred the free frontier life. The next step may have been a demand for private tracts at a time when absentee farming was felt to be a failure. The third step was perhaps the knowledge that private enterprise could pay more toll to the proprietors than the proprietors could win for themselves by direct plantation effort. It may fairly be said that the collapse of proprietary effort was closely connected with the rise of the free planter. Perhaps John Locke showed a touch of shrewd foresight when he wished to make the colonists of Carolina a class doomed to perpetual service.

About the same time that the plantation colonies transformed themselves, another alteration of conditions took place in each colony, which emphasized the transition of colonial government from economic motives to political. This was the differentiation of colony government from local government. The governments of the early plantation colonies had in them the elements of both local and general control, managing as they did the actual interests of single small settlements and yet holding the powers necessary for governing the whole region in which a settlement lay. At first these colonial governments were essentially local in nature.

<sup>1</sup> *N. Y. Col. Docs.*, XIV. 5-6, 19; *N. Y. Hist. Soc. Coll.*, 2d S., I. 279.

<sup>2</sup> O'Callaghan, *Laws and Ordinances*, 17-18, 20.

<sup>3</sup> *N. Y. Col. Docs.*, XIV. 6, 9-10.

<sup>4</sup> *N. Y. Col. Docs.*, XIV. 7, 21-23, 26; *Calendar Dutch MSS.*, II.

When settlements multiplied, the extensive powers of the several executives, which had been possessed from the beginning, were utilized to enforce political unity. The change brought no break in the sequence of colonial administration. The word "colony" merely took on a broader meaning than before, while "plantation" remained what it had been, a local community subject to colonial government. The plantation type is therefore the ancestor of the older colonial and state governments by direct derivation.

But the plantation type begins not only the development of colonial government but that of local government as well, for as agricultural settlements multiplied beyond the first simple establishments, the various features of the plantation type reappeared in the new communities. Usually these features were more or less modified in their extent and completeness, but still they were characteristic, and their presence marks off broadly a certain large group of local governments as radically different in nature from the local communities of the present time. In this group are included the privileged plantations of Virginia, the manors of several colonies, the patroonships of New Netherland and many of the New England towns. The kinship of these places to the plantation type is plain. They were based upon agricultural organization. There were in each a measure of economic unity, a combination of jurisdiction with powers of proprietorship, and some use of civil administration for economic ends. This group of modified forms includes also such settlements as that of the Massachusetts Bay Company, which, like early Jamestown, was both plantation and colony, but which was not of the pure plantation type. An evolution went on in these modified forms in much the same way as it had in the first colonial plantations. Sometimes the course of events stripped away the jurisdictional side of a settlement and allowed it to fall back into a mere personal estate, but more often the economic side was given up and the community developed into a political entity with only political powers.

The differentiation of colonial and local government in Virginia began with the settlement of Henrico in 1611 as a plantation like Jamestown, belonging to the Virginia Company. In 1613, the Bermuda plantation was organized by Dale. It was, apparently, a co-operative or corporate plantation composed of company employees pledged to three years of service and holding some sort of political privileges.<sup>1</sup> In 1617 other modified forms of the plantation type were created by the locating of private plantations upon lands granted by the company. Virginia was the first colony to develop

<sup>1</sup> Brown, *First Republic*, 194, 210, 240.

subordinate plantations. In 1620 the peculiar corporate form was adopted for another plantation organized for Virginia, but oddly cast upon New England shores instead. The self-government of New Plymouth was an anomaly in colonial settlement, which needs more explanation than has yet been given.<sup>1</sup> Normally the plantation governor should have been sent over from London.

The development of modified forms in New England was accompanied by much apparent confusion, because the various small settlements were left to follow their own courses without general supervision. The New England Council always intended to establish a general colonial government over New England, making it a unity like Virginia, but the council was too poor to carry out the idea. Owing to this plan, the various settlements which were founded under the council's patents were considered to be subordinate plantations. Hence the variety in the forms of settlement, some having jurisdiction, as New Plymouth, Wessagusset, Massachusetts Bay and Piscataqua, while others had no civil power whatever. Hence also the varied results visible after the plantation efforts had collapsed, as the most of them did. Out of the ruins of plantation efforts arose a modified form of remarkable vitality, that is to say, the New England town. In its completest form it was a corporate plantation, with combined powers of jurisdiction and proprietorship, and a small measure of economic unity.

In New Netherland the modified forms of the plantation type appeared in 1630, when private settlements were organized under the provisions of the Articles of Freedoms and Exemptions. Of the three patroonships established, Swanendael was destroyed by Indians, and Pavonia was united to the Manhattan plantation, but Rensselaerwyck, on the Hudson River, kept an almost independent existence for many years. Other patroonships were created at a later date and New Netherland had several forms of local government. The tenant rights of the Rensselaerwyck property endured to make trouble for the New York government until the middle of the nineteenth century.

What was the original source of the plantation type which appeared in America is an interesting question. There is a tempting analogy between the plantation type in America and the manor

<sup>1</sup> Bradford curiously fails to tell of any agreement as to government. Robinson's letter, *Hist. "of Plim. Plant.,"* p. 81, shows that the concession preceded the voyage. The Mayflower compact was probably a temporary device. Smith says in 1624 (Arber, *Smith*, p. 782) that the Plymouth men received council and directions from the London partners but no commands. Queries arise in connection with the particulars' agreement (*Hist. "of Plim. Plant.,"* 177), Lyford's complaint against exclusion (p. 217), and the partners' complaint (p. 238).

type in Europe. Both are based upon the ideas of economic unity and proprietary jurisdiction,<sup>1</sup> and some resemblances may be traced in the manner of working. In some cases there is clear evidence that the Old World manor was copied in modified forms of the plantation type. This is true of the Maryland manors, in certain Virginia plantations, in the patroonships of New Netherland and in Gorges's settlement in Maine. Feudal ideas are plain in the charters of Calvert, Plowden, Gorges and the Carolina grantees. Nevertheless, this does not prove that Jamestown or New Plymouth or Manhattan were copies of manors either in their forms or in their workings. The question is an open one.

L. D. Scisco.

<sup>1</sup> Note the charge that Pierce intended to make the New Plymouth settlement a manor, in *Hist. "of Plim. Plant.,"* 167-168.

## THE STATE OF FRANKLIN

IN the history of the American frontier there have been repeated instances of the settlers' themselves taking the initiative in the erection of local governments. Of these governments, formed by absolutely no other authority than that of the people directly concerned, perhaps the most noteworthy is that of the state of Franklin. It was maintained for about three years against the authority of the parent state, North Carolina. The movement could not justly be called a rebellion, however, as it was not begun till after the settlers thought themselves abandoned and left without any government. Seven years before, they had gladly given up their first independent association and accepted the authority of North Carolina.

This first government, or "Watauga government," as it was called, was formed in 1772. The first settlers, who had crossed the mountains and established themselves along the Holston, Watauga, and other streams of what is now eastern Tennessee, found themselves beyond the influence of the laws of North Carolina, within whose territorial limits this region was included. In this situation they easily and naturally organized a government for themselves, passed laws, and put them into force quite independently of any outside influence. In doing so they merely carried a little further the principles of the North Carolina Regulators, with which they were doubtless familiar. In another aspect their situation and their action were quite similar to those of the Pilgrim Fathers. The Watauga government was in operation — quite successful operation, so far as we know — for five years, when at the request of the settlers themselves the North Carolina government was extended over them. Laws were passed to confirm marriages, and other acts requiring state sanction. So the Wataugans easily became North Carolinians. Other communities of that region went through a similar political experience.<sup>1</sup> It was not strange that these backwoodsmen, after their experience with independent government, should easily revert to it when in their opinion their interests demanded it. It has been suggested that the example of Ver-

<sup>1</sup> For a fuller description of the Watauga, Cumberland, and Clarksville associations see Turner, "Western State Making in the Revolutionary Era," in *AMERICAN HISTORICAL REVIEW*, Oct., 1895.

mont, maintaining her independence successfully against the states of New York and New Hampshire, was the cause of the Franklin movement.<sup>1</sup> Vermont's action may have had some influence on the Franklin leaders, although there is no direct evidence of it. Moreover, considering the character and experience of these frontiersmen it would seem that only an occasion was necessary to make them take the step they did.

The occasion was furnished by an act of the North Carolina general assembly by which her territory west of the mountains was ceded to Congress. This was in response to a request by that body that all states claiming lands beyond the Alleghanies should give them up to help defray the expenses of the Revolutionary War. Congress had just passed the ordinance containing the so-called Jefferson plan for the division and organization of the west into new states.<sup>2</sup> One of the rectangular states of that plan included most of the territory occupied by the settlers whom we are considering. Not only did it seem to them that their statehood was assured by the action of Congress and of North Carolina, but they were made to feel that at least some prominent North Carolinians were glad to get rid of them for personal reasons. It was reported that when the cession bill was before the North Carolina general assembly, and the members from the transmontane counties were pleading to be continued as a part of the state, prominent members from the older counties said that the Western people were the offscourings of the earth and they would be well rid of them.<sup>3</sup> The delegates from the four western counties carried the news of the cession to their constituents. Two years had been allowed Congress in which to accept the territory. This was made much of, while the correlative declaration, that it should remain under North Carolina's jurisdiction until so accepted, was disregarded. The standing and well-grounded complaints of North Carolina's excessive and unjust taxation and her inadequate judicial and military provision for the west influenced many in favor of the new state scheme. So for various reasons there was a large party ready to embark upon it.

A committee composed of two members from each captain's company proposed an election of delegates from Washington, Sullivan, Greene, and Davidson counties, who should meet in convention at Jonesborough with power to adopt such measures as they

<sup>1</sup> Moore, *Hist. of North Carolina*, I. 364.

<sup>2</sup> For a discussion of Congressional action along this line see the writer's "Evolution of the American System of Forming and Admitting New States into the Union," in *Annals of the American Academy of Political and Social Science*, Nov., 1901.

<sup>3</sup> Franklin general assembly in Address to Governor Martin, *Pennsylvania Packet*, Nov. 21, 1785.



might deem advisable. An election was held in all but Davidson county, and the first convention met Aug. 23, 1784. John Sevier was made president, and Landon Carter secretary.<sup>1</sup> This convention adopted the report of a committee,—that they had an undeniable right to petition Congress to accept North Carolina's cession and "to countenance us in forming ourselves into a separate government, and either to frame a permanent or temporary constitution, agreeably to a resolve of Congress." They show their expectation of incorporating the neighboring settlements of Virginia by announcing that "When any contiguous part of Virginia shall make application to join this Association, after they are legally permitted, either by the state of Virginia or other power having cognizance thereof,<sup>2</sup> it is our opinion that they may be received and enjoy the same privileges that we do, may or shall enjoy." It was further decided that "one or more persons ought to be sent to represent our situation in the Congress of the United States, and this convention has just right and authority to prescribe a regular mode for his support."<sup>3</sup> The vote stood 28 to 15 in favor of forming into a separate and distinct state "at this time." There is evidence that Sevier himself was opposed to the movement at first. He wrote to Joseph Martin that he was "Dragged into the franklin measures by a large number of the people of this Country."<sup>4</sup> The lack of harmony was particularly manifest in the second convention, called for the purpose of drawing up a constitution. It did not meet till November, 1784, several weeks after the time set for it, and then broke up in confusion.

Meanwhile, before Congress had had an opportunity to accept North Carolina's western territory the act of cession was repealed by the North Carolina general assembly. In the act of repeal the reason therefor is given as follows :

That the cession, so intended, was made in full confidence that the whole expense of the Indian expeditions and militia aids to the states of South Carolina and Georgia should pass to account in our quota of the continental expenses in the late war ; and also that the other states holding western territory would make similar cessions, and that all the states

<sup>1</sup> For a sketch of what the four conventions accomplished see Ramsey, *Annals of Tennessee*, 286 ff.; also Haywood, *History of Tennessee*, 137 ff. For a general account of the state of Franklin, particularly in reference to relations with the Indians, see President Roosevelt's *Winning of the West*, III. ch. iv.

<sup>2</sup> In view of the reference to the resolve of Congress just above, the "other power" is plainly Congress itself, to whom, in the opinion of the mountaineers, North Carolina had ceded their territory. President Roosevelt (*Winning of the West*, III. 157) is hardly warranted in concluding from this phrase that they "ignored the doctrine of State Sovereignty."

<sup>3</sup> Committee report in Rev. S. Houston MSS., quoted by Ramsey, *Annals of Tennessee*, 287.

<sup>4</sup> *Calendar of Virginia State Papers*, IV. 416.

would unanimously grant imposts of five per cent as a common fund for the discharge of the federal debt ; and whereas the states of Massachusetts and Connecticut, after accepting the cessions of New York and Virginia, have since put in claims for a large part of that territory, all the above expected measures for constituting a substantial common fund have been either frustrated or delayed.

The party opposed to the organization of the new state was strengthened by further action of the North Carolina general assembly. The western counties were formed into a superior court district with an assistant superior court judge, and a brigadier-general of militia was created. In view of these concessions John Sevier made a speech against forming a new state, even when the election to the third convention was in progress. This convention met, however, December 14, 1784, and provided that a general assembly should be elected under the North Carolina election law, and should put the new government into operation at once. It also proposed a written constitution for the new state. The Reverend Samuel Houston was an influential member of this convention from Washington county, and in a preface to a proposed constitution which he advocated has well sketched the history of constitution-making in Franklin, as follows :

In December 1784, at Jonesborough in this state, a Convention was held, and having agreed to a Constitution, recommended and held it out to the people for their consideration, signifying to the people, that before the expiration of one year they should choose a Convention, for the express purpose of adopting it in the name of the people, or altering it, as instructed by them ; which is attested by the Resolve itself, and a Resolve of the Assembly which sat August 1786.

Well, accordingly, the late Convention met at Greeneville, November the 14th, 1785 ; and from different parts of the State, the people laid in instructions, which shewed that there was a great diversity and contrariety of sentiments amongst them. However, the Convention, after some debate, agreed to appoint a Committee of their members, who should prepare a Form of Government to lay before the whole Convention, that it might be examined, altered, amended, and added to, as the majority should think proper ; and thus be perfected and finished in as accurate a manner as the united wisdom of members of the Convention could do.

After the Committee retired, the first thing of account they agreed upon, was, to proceed upon business by taking the Constitution of North Carolina for their groundwork or foundation, and together with it, all political helps that the thirteen Constitutions, the instructions of the people, and any other quarter might afford, to prepare a report to lay before the Convention. In this manner the Committee proceeded, adhering strictly to the groundwork, viz., North Carolina Constitution, retaining of it whatever appeared suitable, and to it collected pieces out of their other political helps, till they had just conformed their plan, that it might be laid before the whole Convention, that, as has been said, it might be examined, altered, amended, and added to, as the majority should think best.

The whole house having met, the Report of the Committee was laid before them, and rejected in the lump; in consequence of which, the whole house took up the North Carolina Constitution, and hastily reading it off, approved of it in the general, whilst the friends of the Report of the Committee strove to introduce, but all in vain, some material parts of their plan, viz., a single house of Legislation, equal and adequate representation, the exclusion of attorneys from the Assembly, etc., and failing in these most important points, by the unanimous consent of the whole Convention, obtained leave to enter upon the Journals, their dissent to what had been carried in Convention, and also to hold out to the people, for their consideration, the Report of the Committee.<sup>1</sup>

It was the constitution reported by this committee that Samuel Houston advocated. He circulated printed copies with his preface—all to no purpose however, as the people were satisfied with the North Carolina constitution as adopted by the convention.

Under the North Carolina law providing for a brigadier-general of militia for the western counties John Sevier was appointed to the office. It does not seem likely that he knew of it when, at the election of the third convention, he made his speech against the new state movement. At any rate, in view of his subsequent action this appointment cannot be given as the cause of his opposition. The facts that he had already served North Carolina in different public capacities, was a prominent King's Mountain hero, and was without doubt the leading man in the region, are quite sufficient to explain his appointment to that important office.

Colonel Joseph Martin, agent to the Cherokee Indians for the states of North Carolina and Virginia,<sup>2</sup> was, in his official capacity, naturally against the new state, although he evidently had a good deal of sympathy with it. Arthur Campbell, the county lieutenant and a justice of Washington county in Virginia, charged him in a letter to the governor with being chosen "at his own solicitation one of the Privy Council for the State of Frankland." But this was indignantly denied by Martin. In a letter to Governor Henry he admitted that the Franklin assembly had elected him to their privy council, but declared that "no Earthly thing shall prevail on me to neglect my duty as Agent for the State of Virga. so long as I have the honour to fill that office," and that he was "in Every Sence of the word against a New State."<sup>3</sup> It is from his reports, however,

<sup>1</sup>This preface and constitution are printed in *The American Historical Magazine*, I. 50.

<sup>2</sup>He was a candidate for appointment by Congress as Indian commissioner for the entire southern department. See certificate of Governor Alex. Martin, dated April 16, 1785, that "Colonel Joseph Martin hath been appointed Agent to the Cherokee nation of Indians by this State for some years past"; also his request of Governor Patrick Henry for a similar certificate, that the two might be forwarded to Congress to further his candidacy. *Calendar of Virginia State Papers*, IV. 24 and 25.

<sup>3</sup>For this correspondence see *Calendar of Virginia State Papers*, IV. 31 and 53.

that we get some of our information about the "New State." He seems to have been on different occasions a sort of go-between in much of the controversy between Sevier and Governor Martin of North Carolina. At the beginning of it, shortly after the repeal of the act of cession, he wrote to Sevier as follows :

The Honorable John Sevier Esq., Brigadier General Washington Dst.

*Dear Sir.* Decem<sup>r</sup> the 31<sup>st</sup> 1784

I left Governor Martins the 19<sup>th</sup> Instant he informed me that Maj<sup>r</sup> outlaw was sent forward near four weeks ago with some dispatches to you inclosing your Generals Commission with a number of other papers . . . he informed me the first business that the assemble Did was to repeal the Cession bill — before Congress Could meet to accept it . . . as you have formed a Government heere I must beg that you will inform me whither you will persist or let it lay over untill you Can be Better informed.<sup>1</sup>

But it was not allowed to lie over. The first general assembly of the state of Frankland, as it was then called, met early in 1785 and proceeded to organize the new government. A full set of officers was chosen, including John Sevier as governor. He accepted this office in spite of his appointment as brigadier-general of the district by the North Carolina government. The definite launching of the new government called forth the following letter from Governor Martin, addressed to "Brigadier General Saveez" [meaning Sevier]:

DANBURY, the 27th of Feb. 1785

*Sir*

With some concern I have heard that the counties of Washington, Sullivan, and Greene, have lately declared themselves independent of the state of North Carolina, and have chosen you governor; that you have accepted the same, and are now acting with a number of officers under the authority of the new government.

As I wish to have full and proper information on this subject, major Samuel Henderson waits upon you with this, by whom you will please to transmit me an account of the late proceedings of the people, relative to the above, in the western country, that I may have it in my power to communicate the same to the general assembly. The general discontent that prevailed through the state at the late cession act, and the sense of Congress to make the state no retaliation for the same, caused the assembly to repeal that act, by a large majority, and to convince the people of the western country, that the state still retained her affection for them, was not desirous to part with so respectable a body of citizens, in the present situation of affairs, attempted to render government as easy as possible, by erecting a new superior court district, creating a brigadier general of the militia, and an assistant judge of the said superior court, which was, in short, redressing every grievance, and removing every obstacle that called for a separation, and which the legislature were

<sup>1</sup> Draper Colls., King's Mountain MSS., XI. Library Wis. Hist. Soc.

taught to believe, from one of the members of that dist., would give full satisfaction.

It has also been suggested that the Indian goods are to be seized, and the commissioners arrested, when they arrive on the business of the treaty, as infringing on powers of your new government, for which they are stopped. I shall not proceed with the commissioners, until we are assured how far the militia of Washington are to be relied on for guards in concluding of the treaty, whom alone I designed to call upon to attend this duty. You will also please inform me respecting the proclamations, to remove all intruders on the Indians land, and what is done in Hubart's case, of which I wrote you by colonel Martin.

In the meanwhile,

I am with respect

Your most humble servant

ALEX. MARTIN.<sup>1</sup>

In the reply to Governor Martin the Franklin general assembly presented an admirable statement of the Franklin case against North Carolina. It is found in the *Pennsylvania Packet* of May 21, 1785, and is worth quoting in full as follows :

*Sir,*

Your letter of the 27th of February, directed to brigadier general Saveez, favored by major Henderson, was laid before the general assembly of the state of Franklin, by the governor : we therefore think it our duty to communicate to you, the sense of the people of this state, and observe your excellency's candor in informing us that the reason North Carolina repealed the cession act, was, because the sense of Congress was to allow the state of North Carolina nothing for the land ceded ; the truth of that assertion we will not undertake to determine—but we humbly conceive, the terms on which Congress was empowered to accept the cession, was fully expressed in the cession act itself ; and consequently every reason existed for not passing that act, that could have existed for the repeal ; except that of doing justice to the United States in general ; who, upon every principle of natural justice, are equally entitled to the land that has been conquered by our joint efforts : and we humbly thank North Carolina for every sentiment of regard she has for us, but are sorry to observe, that as it is founded upon principles of interest, as is apparent from the tenor of your letter, we are doubtful, when the cause ceases which is the basis of that affection, we shall lose your esteem.

Reflect, sir, upon the language of some of the most eminent members in the general assembly of North Carolina at your last spring session, when the members from the western country were supplicating to be continued a part of your state : were not these their epithets, "The inhabitants of the western country are the off-scourings of the earth ; fugitives from justice ; and we will be rid of them at any rate." The members of the western country, upon hearing these unjust reproaches and being convinced it was the intention of the general assembly to deprive them

<sup>1</sup> *Pennsylvania Packet*, May 21, 1785. The question regarding Hubart, who had murdered an Indian, was a pertinent one, as he had been elected member of the Franklin assembly. See Joseph Martin to Patrick Henry, *Calendar of Virginia State Papers*, IV. 18.

of any further protection, consulted each other and concluded it was best to appear reconciled with the measure, in order to obtain the best terms they could, and was not surprised to see North Carolina, immediately on passing the act of cession, enter into a resolve, to stop the goods that they, by act of the general assembly, had promised to give the Indians, for the lands they had taken from them, and sold for the use of the state.

The inadequate allowance made the judges who were appointed to attend the courts of criminal jurisdiction, and who had to travel over the mountains, amounted to a prohibition as to the administration of justice in this quarter: and although the judge appointed on this side the mountains, might, from the regard he had to the administration of justice in the county of Cumberland, have held a court there, yet, as your excellency said, to grant him a commission agreeable to the act of general assembly, he could not have performed that service, had he been ever so desirous of doing it.

The people of the western country found themselves taxed to support government, while they were deprived of all the blessings of it; not to mention the injustice done them in taxing their land that lay five hundred miles from trade, equal to lands of the same quality, on the sea shore. The frequent murders committed by the Indians on our frontiers, have compelled us to fall upon some plan for our own defence. How far North Carolina has been accessory to those murders, we will not pretend to say. We know she took the land the Indians cleared — promised to pay them for it — and again resolved not to do it; and that in consequence of that resolve the goods were stopped.

You say it has been suggested that the goods your state promised the Indians, are to be stopped, and the commissioners arrested when they arrive on the business of the treaty. We are happy to inform you that that suggestion is false, groundless, and without the least foundation; and we are certain you cannot pretend to fault us, that your state stopped the goods by a resolve of the general assembly in violation of the act for granting them to the Indians: and if your state is determined to evade their promise to the Indians, we intreat you, not to lay the blame upon us, who are entirely innocent, and determined to remain so.

It is true we have declared ourselves an independent state, and pledged our honours, confirmed by solemn oath, to support, maintain, and defend the same. But we had not the most distant idea that we should have incurred the least displeasure from North Carolina, who compelled us to the measure; and to convince her that we still retain our affection for her, the first law we enacted, was to confirm all and every right granted under the laws of North Carolina; and have placed them on the same footing in every respect, as if we had not declared ourselves an independent state; hath patronized her constitutional laws — and hope for her assistance and influence in Congress, for hastening our reception into the foederal union. Should our hopes be blasted, we are determined never to desert that independence which we are bound by every tie of honor and religion, to support.

We are induced to think North Carolina will not blame us for endeavoring to promote our own interest and happiness, while we do not attempt to abridge her's, and appeal to an impartial world to determine, whether we have deserted North Carolina or North Carolina deserted us? You will please lay these our sentiments before the general assembly of your state, and beg leave to assure them, that should they ever stand in need of our assistance, we shall be always ready to render them every service



in our power, and hope to find the same sentiments prevailing in them towards us.

Your very humble servants

LONDON CARTER, S. S.

WILLIAM CAGE, S. C.

By order of both houses of the general assembly.

THOMAS TALBOT, C. S.

THOMAS CHAPMAN, C. C.

To his Excellency Alexander Martin, Esq.  
Governor of the state of North Carolina.

Meanwhile, as his letter to Sevier had been unavailing, "Gov. Martin published a long manifesto opposed to the measure of the government of Frankland and using some threats in case the new authority was not given up."<sup>1</sup> In order to get his proclamation distributed among the people whom he intended it should influence, he sent it to Colonel John Tipton, a prominent opponent of the new state scheme, and bitter rival of John Sevier.

In the letter accompanying it he referred to Tipton's "Endeavors to prevent the late rash, and unwarrantable Measures of the people of the Counties of Washington, Sullivan, and Greene," and asked him to make the proclamation public through his "county, and elsewhere, it may be necessary by dispersing Copys thereof." In conclusion he thanked him for the "attempts he had already made to discountenance the lawless proceedings of his neighbors" and suggested that "they would not be unnoticed by the Legislature."<sup>2</sup> The circulation of this document does not appear to have had much effect upon the situation. According to one report it "was ingeniously answered by two different hands and afterwards held in much derision."<sup>3</sup> It was moreover met by the counter proclamation of Governor Sevier, issued May 15, 1785. He charged that its object was "to create sedition and stir up insurrection amongst the good citizens of this state, thinking thereby to destroy that peace and tranquility that so greatly abounds amongst the peaceful citizens of this new happy country." He refers to the effective work of the backwoodsmen in the battle of King's Mountain and points out the ingratitude of North Carolinians, who "first invited to this separation" and "if in their power would now bring down ruin and destruction on that part of their late citizens, that all the world well know, saved the present state out of the hands of their enemy,

<sup>1</sup> *Maryland Gazette*, Oct. 11, 1785, quoting a letter from Richmond. Draper Colls., Newspaper Extracts, III.

<sup>2</sup> Governor Martin to Colonel John Tipton, Draper Colls., King's Mountain MSS., XI.

<sup>3</sup> Richmond letter in *Maryland Gazette*, Oct. 11, 1785, Draper Colls., Newspaper Extracts, III.

and saved her from impending ruin." He closes by "strictly enjoining and requiring all and every the good citizens of this state, as they will answer the same at their peril, to be obedient and conformable to the laws thereof."<sup>1</sup>

While the issue between the new and the parent state was thus squarely presented, the new government was assuming and exercising actual jurisdiction. A man in Washington county, Virginia, wrote June 1, 1785, that "the New society or State called Franklin has already put off its infant habit, and seems to step forward with a florid, healthy constitution; it wants only the paternal guardianship of Congress for a short period, to entitle it to be admitted with eclat, as a member of the Federal Government. Here the genuine Republican! here the real whig will find a safe asylum, a comfortable retreat among those modern Franks, the hardy mountain men!"<sup>2</sup>

The paternal guardianship of Congress had been particularly desired by the Franklinites from the beginning. It was closely connected with their idea of independence, which was the independence of a state in the Federal Union. Their plan in the beginning was to send one or more persons to "represent their situation" in Congress and to bear their petition that that body accept North Carolina's cession and give them "countenance in forming a separate government." William Cocke was chosen delegate, and was reported to have been "greatly satisfied with his reception."<sup>2</sup>

Although some influence was brought to bear to secure further land cessions to Congress, and although some members showed a decided sympathy for the new state,<sup>3</sup> nothing was done to give it official recognition. Cocke later sent an appeal to Benjamin Franklin asking for advice.<sup>4</sup> That experienced statesman in his reply expressed appreciation of the honor of having his name adopted by the new state which he had hitherto supposed was called Frankland, but advised his friends not to persist in their plan of separation from North Carolina at that time. In the spring of 1787 Governor Sevier himself wrote to Franklin, outlining the whole history of the movement, and asking him, if he thinks the cause laudable, "to write on the subject." He said Franklin's former letter had not been received, but if one should be directed in "care of the governor of Georgia it would come safe."<sup>5</sup>

<sup>1</sup> Governor Sevier's entire proclamation may be found in *Pennsylvania Packet*, Aug. 9, 1785.

<sup>2</sup> *Maryland Gazette*, Oct. 11, 1785, Draper Colls., Newspaper Extracts, III.

<sup>3</sup> William Grayson to Governor Randolph, *Calendar of Virginia State Papers*, IV. 296.

<sup>4</sup> Cocke to Franklin, *Works of Franklin*, X. 260.

<sup>5</sup> *Works of Franklin*, X. 290.

While these efforts were being made to secure recognition by Congress and to enlist the support of prominent men in the other states, plans were being made to increase the numbers and extend the territory of the new state. We have noted part of the resolution of the first Franklin convention contemplating annexation of a "contiguous part of Virginia." There was quite a party in Washington county, Virginia, ready to join any movement that would free them from Virginia rule. Some account of their leaders, particularly Colonel Arthur Campbell, justice of the peace and county lieutenant, is worth giving not only to show their relation to the Franklin movement but also to show the temper of the frontiersmen and their readiness to throw off their state allegiance and embark on new government schemes.

The chief complaint of these people in 1785 was excessive taxation. Colonel Campbell declared that two million dollars more than was due had been taken already from the citizens of the county, and that they should insist on that sum's being accounted for before submitting to any further taxation. When some one urged in a public meeting that "the people Ought to pay the half Tax then Cal'd for, . . . Colo. Campbell Immediately replied, truly the Gentleman preaches up to You Passive Obedience and non-Resistance." On the same occasion it was announced that "the Sheriff would take Beef Cattle for the Collection, to make it Easy on those who Could not rais Money to pay their Taxes. Some of the people replied the would take up arms before the would pay Their Tax. Colo Campbell Instantly replied, he liked such Men, who would take up arms Rather than Submit to so unjust a Tax." When they were threatened with the military power of Virginia, he said "he could assure them there was no danger from that quarter. They would get assistance enough, especially from the Northern States, for they were groaning under their burthens, and wished for some way to extricate themselves." He added "that he could never think to live happy under such a Government, nor die in peace to leave his children under such Government ; for his part, he had rather fight till he lost the last drop of his blood."<sup>1</sup>

Reports of the disloyalty of the county lieutenant of course reached headquarters and he was called to account for it in several letters from the governor. In his reply Colonel Campbell, after saying that the Whig interest "seemed to rest satisfied that an ami-

<sup>1</sup> Sworn depositions of General William Russell, James Montgomery, and others to the same effect, prepared for Arthur Campbell's trial for misconduct in office, also letters of the same import from some half dozen different men to Governor Henry. *Calendar of Virginia State Papers*, IV. 45, *et passim*.

cable and enlightened Administration would pave the way " for a redress of grievances, plunged directly into the new state questions. His words on this subject are worth quoting as coming from the man who was at this time the leader of the new state movement in his region. He wrote as follows :

We are told (but it is only from report) that we have offended government on account of our sentiments being favourable to a new State, and our looking forward for a separation. If such a disposition is criminal, I confess there is not a few in this County to whom guilt may be imputed, and to many respectable characters in other Counties on the Western Waters. If we wish for a separation it is on account of grievances that daily become more and more intolerable ; it is from a hope that another mode of governing will make us more useful than we now are to the general Confederacy, or ever can be, whilst so connected. But why can blame fall on us when our aim is to conduct measures in an orderly manner, and strictly consistant with the Constitution. . . . But, sir, why may we not take courage and say we are right when adverting to our own Constitution, to the different Acts of Congress, that of different Legislatures, the opinions of the first statesmen in America, among whom we can number an illustrious Commander, a great Lawyer and Judge in this State, and a Governor of Virginia himself.<sup>1</sup>

All this might seem to indicate that another new state was in contemplation rather than an addition to the state of Franklin ; but such was not the case. Campbell had regarded the Franklin movement as hasty, and had expressed the opinion that the mountaineers should have waited for some encouragement from Congress before setting up an independent state. But after it had been done he thought it would be best for the people on the western waters of Virginia to join the Franklinites ; and " the sooner the better," said he, " or we need not expect to share equal advantages with them." The settlers of these parts of Virginia and North Carolina had acted together in the war of the Revolution, and there were economic as well as political reasons why they should now be bound together into a single state. The people of western Virginia sent two petitions to Congress asking to be formed into a new state, and proposing boundaries which included the Franklin settlements. They wanted the Jefferson plan of 1784 so modified as to allow this.

Virginia, determined to check the movement, passed an act in the fall of 1785 by which it was made high treason to erect an independent government within her limits unless authorized by the assembly. This seems to have been effectual. The Franklin people must have been much disappointed at not gaining the addition of these parts of Virginia. They had hoped that with this accession they would be strong enough to secure recognition by Congress

<sup>1</sup> *Ibid.*, 44.

and admission to the Federal Union.<sup>1</sup> But there seems to have been no public attempt to secure an addition of any part of Virginia's territory without her consent. Governor Sevier emphasized this in a letter to Governor Henry, saying, "we will on no account Encourage any part of The people of your state to join us, nor will we receive any of them unless by Consent of your state."<sup>2</sup> There seems to have been no discussion of a union with any part of Virginia after the fall of 1785.

In the spring of 1785 it was reported that a project of quite a different character was on foot, with the object of getting an accession of population and territory toward the south. It was nothing less than the incorporation of the Cherokee Indians into the new state—something decidedly exceptional in United States history. Difficulties had been expected when Governor Martin, alleging the defection of the Western people as the reason, refused to deliver goods promised to the Indians for their land or to hold any treaty with them. A little later he reported that "the Greatest part of the Cherokee and Creek Indians are for warr, occassioned by the State of Franklyn passing an Act to Extend their Boundary . . . without Holding any Treaty with them."<sup>3</sup> Colonel Joseph Martin thought that if the Westerners should proceed with their new state movement it would involve the whole country in a general Indian war. The next report was that the Cherokees were likely to be incorporated in the state of Franklin and send delegates to her general assembly. What there was at the bottom of the report we cannot say. We have it from at least three different sources, letters dated May and June, 1785. Arthur Campbell wrote to Governor Henry that Governor Sevier was then "treating with the Cherokees with a view to an incorporation."<sup>4</sup> A "gentleman in Washington" wrote that "The executive of the State of Franklin has lately concluded a treaty of amity and perpetual friendship with the Cherokee Indians, and a negociation is on foot to give that nation a representation in the new legislation."<sup>5</sup> The *Maryland Gazette* (Oct. 11, 1785), published an "Extract of a letter from Caswell County, in the State of Frankland," whose author said: "A negociation is on foot with the Cherokees, and the aim will be to incorporate them and make them useful citizens. I dare say this project will startle

<sup>1</sup> Joseph Martin thought this was their reason for trying to get Virginia towns to join them. Joseph Martin to Governor Henry, *Calendar of Virginia State Papers*, IV. 54.

<sup>2</sup> *Calendar of Virginia State Papers*, IV. 43.

<sup>3</sup> Joseph Martin to Governor Henry, *Calendar of Virginia State Papers*, IV. 18.

<sup>4</sup> *Calendar of Virginia State Papers*, IV. 32.

<sup>5</sup> *Pennsylvania Packet*, Aug. 6, 1785.

your rigid sectaries;—but you, we expect, will be more liberal, when it manifestly appears that the interests of humanity and of our new society will be promoted.”<sup>1</sup> No evidence appears to show whether the Indians declined to be made useful citizens in this way, or the Franklin leaders changed their minds about it. Perhaps the latter feared that to unite with the Indians would prejudice their cause in the other states, where their character was already impeached by some. Governor Sevier even thought it incumbent upon him to write to Governor Henry, “we hope soon to convince them all that we are not a banditti, but a people who mean to do right as far as our knowledge will lead us.”<sup>2</sup> Afterwards the Franklin government had considerable trouble with the Indians, and made an agreement with the friendly state of Georgia to furnish 1,500 men for a joint expedition against them.<sup>3</sup> Governor Sevier found occasion to bring into play all his ability as an Indian fighter.

It will be remembered that the Franklin government was established early in 1785 by a general assembly elected under the North Carolina election law. This assembly did a good deal of business. Among other things it organized the counties of Caswell, Severn, Spencer, Wayne, and Blunt,<sup>4</sup> adding them to the original three. It appears to have remained in session through the spring and summer of 1785, and only dissolved on the eve of the meeting of the fourth state convention. Many of its acts were of course criticised. Party differences existing among the people were sure to find expression upon most governmental measures. One optimistic Franklinite, speaking of the contentions then existing, wrote that it might give uneasiness to some, but he found it “had a powerful influence to set on foot free enquiry, and to bring about surprising advances in political knowledge.” “This will be found useful,” said he, “in forming the manners of a people; and I am not without hopes that the next generation in Frankland will vie with Athens itself.” The proposed constitution then before the people was another subject for dispute. The fourth convention was authorized to modify, accept, or reject it. About the first thing done when it met, Nov. 14, was to reject it. A more satisfactory one was drawn up with the constitution of North Carolina as a basis. In this connection a decision was made regarding the name for the new state. Up to this time it seems to have been called Frankland or Franklin indifferently. Now it was officially christened Franklin.

<sup>1</sup> Draper Colls., Newspaper Extracts, III.

<sup>2</sup> *Calendar of Virginia State Papers*, IV. 43.

<sup>3</sup> Major Elholm's letter. Draper Colls., Newspaper Extracts, III.

<sup>4</sup> Thus in the *Pennsylvania Packet*, January 5, 1786. Possibly for Blount or Blunt.



In the summer of 1785, Governor Martin's administration having expired, North Carolina's attitude seemed more friendly.<sup>1</sup> An amicable settlement with the parent state seemed probable. Indeed Governor Martin himself had hinted at a formal and legal separation when he admonished the western men to remain loyal to North Carolina "until the consent of the legislature be fully and constitutionally had for a separate sovereignty and jurisdiction." Again he is reported to have suggested that negotiations be opened for a division of the back lands with North Carolina without the interference of Congress, and that a liberal compact might "be formed and their separation recognized constitutionally."<sup>2</sup> North Carolina appeared to object to the organization of the new state, simply because its organization had been effected without authorization. Even the North Carolina constitution, adopted in 1776, recognized that there might be "the Establishment of one or more governments westward of this State by the consent of the Legislature."<sup>3</sup> So it would seem that with "a very friendly overture" from "Governor Caswell and some others, the first characters in that state," the outlook was promising for a peaceful settlement with North Carolina. The executive was but the servant of the legislature, however. Under a new election law passed in Nov., 1785, some members of the North Carolina general assembly were elected from Franklin counties by North Carolina partizans. This was the first interference with Franklin jurisdiction.<sup>4</sup> In the session of Nov., 1786, North Carolina decided to reassume sovereignty and jurisdiction over the transmontane counties at once. It looked as though there would have to be submission or an armed conflict. In the hope of averting both, Governor Sevier "in Council" wrote a letter to the governor of North Carolina, in June, 1787, and sent it to him by Major Elholm, special commissioner from the state of Franklin. "We are unwilling and exceedingly sorry to think," he wrote, "that any violent measures should be made use of against any of our sister states, especially the one that gave us existence, though it now wishes to annihilate; and what occasions us excruciating pain is that perhaps we may be driven to the unparalleled necessity of defending our rights and liberties against those who, not long since, we have fought, bled and toiled together with, in the common cause of American Independence—otherwise become the ridicule of the whole world." "It is not the sword that can intimidate us,"

<sup>1</sup> Franklin letter dated Aug. 17, 1785, in *Pennsylvania Packet*, Sept. 30, 1785.

<sup>2</sup> Arthur Campbell to Governor Henry. *Calendar of Virginia State Papers*, IV. 32.

<sup>3</sup> N. C. Const., Art. XXV. *Colonial Records of North Carolina*, X. 1005.

<sup>4</sup> Sevier to B. Franklin. *Works of Franklin*, X. 290.

he added. "The rectitude of our cause, our local situation, together with the spirited alertness of our countrymen in such cases, would inflame us with confidence of success." Recalling the assistance rendered North Carolina by frontiersmen in the Revolutionary War, he asked the governor and through him the whole state government "to be pleased to afford the State of Franklin your countenance in promoting the interest of our infant republic; and reconciling matters between us and the parent state."<sup>1</sup> This plea availed nothing, however. In the same region where Franklin officers acted for their state another set of officers attempted to maintain the authority of North Carolina, and with some success. Conflicts were of course inevitable, but it is remarkable that they were so few. Many of the people took advantage of the situation, particularly in the matter of tax paying, professing to be uncertain which was the rightful authority and so paying no taxes at all. To make matters worse there was the then common frontier difficulty of scarcity of specie. This was remedied by fixing currency values to such articles as "good clean beaver," raccoon, fox, and deer skins, linen, bacon, tallow, and "good whiskey." Salaries of state officers were fixed in this money toward the last. The governor was allowed 1,000 deerskins, while his secretary had 500 raccoon skins. A justice received four muskrat skins for signing a warrant, while the constable was allowed one mink skin for serving it.<sup>2</sup>

In the last year of its existence, when there seemed to be no hope of recognition by Congress or favorable consideration by North Carolina, some of the Franklinites allowed themselves to hope that the Federal Convention at Philadelphia might do something for them. They thought it might undertake to settle their difficulties. It could be done, wrote one of them, by investing Congress with "power to have a deed executed to them for the Territory ceded by the State of North Carolina on the 2d of June, 1784." Their argument was that "Congress were in possession of the act of cession of said state at the time it was repealed; and also that it could not with propriety be repealed, as the time Congress had to consider of and accept the Territory so ceded was one of the stipulations of the said act."<sup>3</sup> If an attempt had been made to get the convention to act in this way on the strength of this argument, probably there would have been some interesting discussion involving important

<sup>1</sup> *Historical Review and Directory of N. Am.*, II. Draper Colls., Newspaper Extracts, III.

<sup>2</sup> Act of Franklin general assembly, quoted in *Maryland Journal*, March 3, 1789. By the terms of the law itself it was to go into effect Jan. 1, 1789.

<sup>3</sup> "Writer from the state of Franklin," in *Maryland Journal*, July 27, 1787, Draper Colls., Newspaper Extracts, III.

principles at the basis of Federal relations. But the constitution makers had no time to take up the claims of the North Carolina mountaineers, even if they had considered it wise to do so. In spite of the fact that the United States gave no recognition in any way to the state of Franklin and did absolutely nothing for it during the whole period of its existence, no official Franklin document and no letter written by a Franklin citizen, so far as we have been able to discover, breathed the slightest complaint against the Federal Government. Loyalty to the American Union was characteristic of them all. The influence of the frontiersmen upon the development of the national spirit in the last century and a quarter of American history is not sufficiently understood.<sup>1</sup> As the frontier has swept from the Alleghany Mountains to the Pacific Ocean and the backwoodsmen have founded state after state they have always been strong in their attachment to the Union. The founders of Franklin, which might be called the first western state, showed their consideration for the Federal Government in practical ways, if we may credit the accounts that have come down to us. We can easily believe the "writer from the state of Franklin" whose letter was published in the *Maryland Journal* in July, 1787. He wrote: "They have opened an office in the State of Franklin for the disposal of the lands given up to them by the Cherokee tribe. . . . The money arising from the sale of the said lands is to be reserved in the Treasury for the express purpose of paying their quota of the Federal Debt, as they are all friends to the Federal Government if they can enjoy it." We may well question whether much money was actually laid aside for the Federal debt, but it does not seem doubtful that such was the intention.

The new commonwealth was not backward in considering the distinctive interests of the west. The *Maryland Journal* reported the sending of "two Deputies to Kentucky to meet a Convention of all the western settlements for the purpose of consulting on proper measures respecting the navigation of the Mississippi." At another time the aggressions of the Spanish from the Floridas and Louisiana received vigorous consideration, especially when it was reported "from undoubted authority that many of their citizens had been deprived of their lives, liberties and property, within the jurisdiction of the United States, by persons acting under the authority of his Catholic Majesty's government." The *Maryland Journal* credited the news "from the State of Franklin" that their "Assembly, as the Fathers of the people, thinking it their indispensable

<sup>1</sup> See Turner's "The Significance of the Frontier in American History," *Report of the American Historical Association*, 1893, p. 199.

duty to put a stop to all further depredations, have passed a law which provides for a body of 1500 men, to be immediately enlisted as regular troops for three years, to be embodied in one Legion and to be commanded by a General of experience. . . . They will be in readiness to march this month and mean to thrash (by the Divine Blessing) those perfidious Castilians into a better conduct towards the people of the United States."

Whether troops were actually raised for operation against the Spanish we cannot tell. Soon the Franklin government had all it could do to maintain itself. Colonel Tipton had been invested with North Carolina authority, and with the resident North Carolina partizans was doing all he could to overthrow the Franklin government. The wonder is that there was not more blood shed than there was, considering the whole situation. The Tiptonites, as they were called, and the Franklinites were in arms against each other, and the former succeeded two or three times in getting possession of Jonesborough. In spite of these and other conflicts there seems to have been but one sanguinary engagement, when perhaps ten men were killed. Sevier and his party had been surprised early in the morning and compelled to retire so hastily that the governor's boots were left behind. General Russell in describing the results of the battle at the time wrote: "twelve are dead of their wounds and the Governor seen 15 miles from home barefooted. The last account says both parties are raising more men: how it may end God only knows."<sup>1</sup> It ended peaceably, however, shortly after this—with the close of Sevier's term of office. His friend Joseph Martin had been made brigadier-general of North Carolina militia, and in order to avoid an armed conflict wrote him a friendly letter on March 21, 1788. Within a week Sevier replied that he considered himself "under obligations to any friend" for "interposition in time of Distress," but assured him that he considered himself "justly authorized" to do all that he had done for Franklin "from the laws of North Carolina, which State is the author of all these disturbances." "I have been faithfull," he wrote, "and my own breast acquits myself that I have acted no part but what has been Consistent with honor and justice, tempered with Clemency and mercy. How far our pretended patriots have supported me as their pretended chiefe magistrate, I leave the world at large to Judge. I never meant to spill blood on the occasion to the latest period of my time in office, Tho' unfortunately for some, it has been the case, But contrary to my orders. . . . I am now a private citizen

<sup>1</sup> *Maryland Journal*, Apr. 8, 1788. Draper Colls., Newspaper Extracts, III. General Russell's letter is dated March 9, 1788.

some time since. I have supported the authority of Franklin during my continuance in office, and if the People have not spirit enough to support it farther, I shall not concern myself more than to secure my person and friends from the hands of Ruffins and assassins." <sup>1</sup> In response to another letter from General Martin, Sevier wrote, April 3: "I have just now been Hon'd with your letter with respect to an accommodation of our unhappy disturbances. I am ready to suspend all kind of hostilities and Prosecutions on our part, and bury into total Oblivion all past conduct. If you and the officers under your command will accede to the like measures Until the Rising of the next North Carolina Assembly, and be guided by the deliberations of that body, peace and Order may immediately take place." <sup>2</sup> A few days after this General Martin wrote to Governor Randolph: "I returned last evening from Green Co. Washington district, North Carolina, after a tour through that Co'ntry, and am happy to inform your Excellency that the late unhappy dispute between the state of North Carolina and the pretended State of Franklin is subsided. . . . I have met with some Difficulty in settling the dispute, and flatter myself that it is affected." <sup>3</sup> On April 12 Arthur Campbell wrote to Governor Randolph, "The commotions in what was called Franklin has subsided, and Mr. Sevier is elected a Member for the North Carolina Convention." <sup>4</sup> Surely at this time the state of Franklin was no more.

Of the many schemes for forming new governments west of the Alleghany Mountains <sup>5</sup> none up to this time had reached the development attained by this state, formed by the pioneers themselves, and maintained for three years against the indifference or avowed opposition of the old states. Its history is perhaps the best illustration that can be given of the political conditions existing on the American frontier prior to the adoption of the Constitution. It may be that the scenes described above would have been repeated again and again all along the frontier, with perhaps not always the same outcome, if Congress had not been enabled to provide a better system.

GEORGE HENRY ALDEN.

<sup>1</sup> *Calendar of Virginia State Papers*, IV. 416.

<sup>2</sup> *Calendar of Virginia State Papers*, IV. 421.

<sup>3</sup> *Calendar of Virginia State Papers*, IV. 432.

<sup>4</sup> *Calendar of Virginia State Papers*, IV. 424. The convention referred to was the one which rejected the Constitution of the United States, to Sevier's disgust.

<sup>5</sup> For a number of those plans see the writer's "New Governments West of the Alleghanies before 1780." *Bulletin of the Univ. of Wis., Historical Series*, II., No. 1.

## AN UNPUBLISHED MANUSCRIPT ON THE RISING OF 1647-1648 IN NAPLES

PROBABLY no episode of comparatively local importance in the middle of the seventeenth century was productive of more contemporary literature in more different languages than the rising of 1647-1648 in Naples. A considerable part of this literature is from the pens of eye-witnesses and participants in these stirring scenes, and is, therefore, of the greatest value in forming a correct estimate of the principal actors in the rising. A special interest attaches to the narrative of Giuseppe Donzelli, Baron of Digliola. His *Partenope Liberata, Parte Prima*,<sup>1</sup> was the first account of the revolution and bears the imprimatur of Gennaro Annese, accompanied by the special sanction of the Duc de Guise. It was published in February, 1648, though it bears the date of 1647 on the title-page, and therefore saw the light before the Spanish power was restored and the incidents of the insurrection were at an end. Donzelli was on the point of publishing Part II., when an order from the magistrate forbade the printing of further copies of Part I.; and an effort was made to destroy all that had been already issued.<sup>2</sup> As a result of this action this book has become exceedingly rare, and has not been accessible to some investigators of the rising.<sup>3</sup>

Doctor Giuseppe Donzelli, Baron of Digliola, was perhaps better known to his contemporaries as a learned physician and chemist than as a literary man. Born in 1596, he established his reputation by the invention of a sort of medicinal potion and stimulant, of which he made considerable use.<sup>4</sup> He published many scientific

<sup>1</sup> *Partenope Liberata overo Racconto dell' Heroica Risoluzione Fatta dal Popolo di Napoli per Sottrarsi con Tutto il Regno dall' Insopportabil Giogo delli Spagnuoli Parte Prima*. Naples, 1647.

<sup>2</sup> Soria, Francesantonio, *Memorie Storico-Critiche degli Storici Napolitani*. 2 Vols., Naples, 1781-1782. I., 214.

<sup>3</sup> Vogt, quoted by Soria, in his catalogue of rare books, mentions having sought anxiously everywhere for a copy, without finding one. Soria likewise counts it among the rare books. Grifio, also quoted by Soria, says: "It is rarer on this account because the writer indulged in bitter invective against the Spaniards, which made it difficult to publish it again."—Soria, Vol. I, p. 215.

<sup>4</sup> Orloff, Gregoire, le Comte, *Mémoires Historiques, Politiques et Littéraires sur le Royaume de Naples, publiés avec des Notes et Additions par Amaury Duval*. 5 vols. Paris, 1819-1821. Vol. IV., p. 329.



treatises, one of which, entitled *Teatro Farmaceutico, Dogmatico e Spargirico*, first published in 1661, is said to have passed through twenty-two editions. His other scientific works bear such titles as *Synopsis de Opobalsamo Orientali et de Theriaca*, which was published in Naples in 1640, and *Antidotario Napoletano di Nuovo Reformato e Corretto*, also published in Naples in 1649. He was also a member of the Academy of the Discordanti.

Judging from the introduction to the published portion of his book,<sup>1</sup> Donzelli was not only a zealous partizan of the people's cause, but an ardent admirer of the Duc de Guise. These facts lend a special interest to the manuscript portion of his work.

The manuscript of *Partenope Liberata*, Part II., now in the Cornell University Library at Ithaca, N. Y., contains 120 quarto pages. It is a copy of another, itself a copy, which was preserved in the library of Baron Domenico Ronchi at Naples. This manuscript in the possession of Baron Ronchi was sold in 1814, and fell into the hands of the Duke of Cassano, Luigi Sarra. The date of the Cornell Library copy is difficult to determine. It is written in script on heavy linen paper resembling parchment and is bound in boards. It commences with the words: "Doppo cavalcato per la Città con grandissima allegrezza del popolo, il Duca," etc., and ends: "E questo e il termine delle discordie civile, e straniere di Napoli, e del regno, che si sollevarono, e fecero grandissimi danni, che lingua humana ci vorrebbe per raccontarlo." But few copies of the *Partenope Liberata*, Part II., are in existence. Bartolommeo Capasso, who undoubtedly owned several manuscripts describing the insurrection and examined many others in the libraries of Naples, does not mention it in his elaborate bibliographical introduction to the *Casa e Famiglia di Masaniello*.<sup>2</sup> His silence, however, may be accounted for by the nature of his monograph, which has to do with Masaniello. Of the many secondary writers on the revolution, Mielle<sup>3</sup> in his edition of the *Mémoires du Comte de Modène* is the only one to mention the existence of a Part II. and he is simply following Soria.<sup>4</sup> The latter speaks of a "manuscript of the two parts" in the possession of the Prince of Tarsia, and refers the reader to the catalogue of his library. But as Soria's book was published in 1781, this copy may not be in existence to-day, or if in existence, may be

<sup>1</sup> Donzelli, Preface, p. 6.

<sup>2</sup> Capasso, Bartolommeo, *La Casa e la Famiglia di Masaniello: Ricordi della Storia e della Vita Napolitana nel Secolo XVII.* Naples, 1893.

<sup>3</sup> Modène, Esprit de Raimond de Mormoiron, Comte de, *Mémoires sur la Révolution de Naples de 1647.* 3<sup>e</sup> ed. publié par J. B. Mielle. 2 vols. Paris, 1827. Vol. I. contains bibliography.

<sup>4</sup> Soria, Vol. I., p. 215.

inaccessible to the investigator. The Cornell University Library, then, has one of the very few copies, if not the only one, of this unique chronicle, which Donzelli meant to be a continuation of his earlier work. Had it not been for the government restriction, this too might have seen the light, and Part I. might have had a happier fate.

The concluding words of the preface to Part I. cannot fail to arouse the reader's curiosity as to the contents of the unpublished portion: "In the second part (the end of which will show how well suited its title of *Partenope Liberata*) I promise you events much more strange. Read and marvel."<sup>1</sup> As it begins with the arrival of the duke in Naples, it is natural to expect that it will be filled with fulsome praise of his hero. Either Donzelli's attitude changed by the time he approached the task of describing his hero's exploits, or he desired to follow a middle course in narrating the events, especially in view of the many changes in the political situation. The book cannot be called the work of a vehement partizan. The author speaks of the dissatisfaction of the people with the duke's actions, but in general does not comment on it, either to justify or to oppose their verdict. He is perhaps inclined to spare Annese, especially where he describes the hostility manifested by Annese to the duke and the underhanded means employed for the latter's overthrow. Here would be an excellent opportunity to place himself on one side or the other, but again he refrains from favorable or adverse comment. He rarely speaks of the Duc de Guise, the Comte de Modène, or the other actors to praise or to blame; he leaves that to the reader; nor does he, in short, have any thesis to maintain as to the causes or results of the events he describes. Perhaps his enthusiasm waned as he saw the popular cause decline; or again his failure to fulfil his original purpose, so dear to his heart, of describing the liberation of Partenope from the hated Spaniards, accounts for the entire absence of party spirit. The decidedly impersonal character of the book, so unlike the majority of the accounts of the career of the duke, makes it a valuable commentary on the events described. Any statement, however trivial, which aids in clearing up the tangled maze of intrigue and cabal which surrounds this phase of the rising is to be welcomed. This manuscript may be said to serve such a purpose. The author describes many incidents which are passed over in silence by most of the other contemporary writers. He emphasizes, for example, the hostility of the duke to France, and makes the duke exclaim, on beholding a suit of clothes ornamented with the fleur-de-lis,

<sup>1</sup> Donzelli, Preface, p. 12.

"To look upon the fleur-de-lis is like the Devil beholding the Cross."<sup>1</sup> Again, the duke tells his friends to answer any inquiries as to his birth by saying that he was born outside of France, in a boat, and was baptized at the pier of Naples.<sup>1</sup> Such anecdotes aid materially in forming a final estimate of the central figure in this stage of the insurrection. It is to be borne in mind, however, that Donzelli perhaps reflects the opinions and gossip of the middle class, and that the statements in his book are not to be accepted as solving entirely the difficulties connected with the period. The main statements in Donzelli's narrative are corroborated by the *Mémoires* of Modène, whom Reumont regards as a safe guide for this period of the revolution. When one remembers the admiration expressed by Donzelli for the conduct of the Cardinal Ascanio Filomarino, that "most vigilant pastor, full of prudence, and by nature very obliging and in accord especially with this movement,"<sup>2</sup> the insertion in his account of the important fact, attested by Modène, that the Cardinal was *forced* to bless the sword of the Duc de Guise, under threat of being dragged through the streets by the mob,<sup>3</sup> goes far toward impelling belief in other incidents not expressly corroborated by, and seemingly contradictory to other contemporary accounts. The book is perhaps lacking in arrangement; but it can hardly be said to be devoid of literary merit. The duke is now made the center of interest; now he is suddenly abandoned to describe the prosecution of the war in the suburbs of Naples. The verdict of Haim, which is quoted and accepted by Soria in his *Memorie*, is confirmed and strengthened by a careful examination of the manuscript portion of Donzelli's work: "Donzelli is one of the best historians of the rising of Masaniello."<sup>4</sup>

DANIEL CHAUNCEY KNOWLTON.

<sup>1</sup> Donzelli, Part II., p. 27.

<sup>2</sup> Donzelli, Part I., p. 12.

<sup>3</sup> Donzelli, Part II., p. 5.

<sup>4</sup> Soria, Vol. I., p. 215.

## DOCUMENTS

### 1. *A Letter of William Bradford and Isaac Allerton, 1623.*

THE following letter is amongst a mass of unarranged and uncalendared papers in the Public Record Office in London, which were sent to that office from the Registry of the High Court of Admiralty. Its appearance in so unexpected a quarter is explained below. The original has been followed as closely as it is possible to follow in print a written letter. One or two contractions have been extended; the punctuation has been altered in one or two places; and the letters "v" and "u" have been interchanged according to modern usage.

The *Little James* went out in 1623 with supplies for the Plymouth colony. On her return to England in 1624 she was sued in the High Court of Admiralty by Stevens and Fell, two of her crew, for their wages. The defense was that they had forfeited their wages by their mutinous conduct; and, in the result, the claim was dismissed. The cause of discontent appears to have been that the *Little James* had a commission to capture ships, and that a French bank fisherman, who might have been captured on the outward voyage, was allowed to escape; and, further, that after the ship arrived in New England she was ordered by Bradford to go upon a fishing voyage, which the crew objected to, alleging that they had been hired for a privateering and not for a fishing voyage. Bradford's letter given below was produced as evidence for the defense in the suit of Stevens and Fell *c.* The *Little James*. It is throughout in the handwriting of William Bradford—the writing of the well-known "Log" of the Mayflower. It has no address, but the context shows that it was sent to the adventurers in London. Annexed to it are two other letters, one from Emmanuel Altham, the captain or commander of the *Little James*, the other from John Bridg (or Bridge), her master. Both of these are addressed to James Sherley, the treasurer of the adventurers in London. The address of the former is almost illegible; it appears to be as follows, but the words marked (?) are doubtful:

"To the Worshipfull (?) and my most respected loving kind friend M<sup>r</sup> Jeames Sherle Treasurer for the New Plimoth adventurers dwellinge on London bridg at the Golden hoospyte (?)."

Bridge's letter, written from "Ple moth in New England" is dated 27th Sep., 1623, and is addressed :

"To his aproved frend M<sup>r</sup> Jeames Sherley at his house in Croked Lane in London."

The *Little James* belonged to the adventurers, and upon her return to England she was taken possession of by Thomas Fletcher and Thomas Goffe under a decree of the Admiralty Court in payment of a debt of £250.

R. G. MARSDEN.

2 da<sup>1</sup>

Beloved and kind freinds We have received your letters both by the Anne and the James, which are both safly arived here, thanks be to God, the Anne about the later end of July, and the James a fourthnight after, and by them a large and liberall suply, for which togeather with your loving and honest leters we give you harty thanks, being very sorie to hear of your losses and crosses, and how you have been turmoyled therabout. If God had seen it good we should have been right glad it had come sooner, both for our good and your profite ; for we have both been in a langwishing state ; and also faine to put away our furr at a small vallew to help us to sume necessaries, without which notwithstanding we should have done full ill, yea indeed could not have subsisted ; so as we have little or nothing to send you, for which we are not a litle sorie ; but if you knew how necessarily we were constrained too it, and how unwillingly we did it, we suppose you cannot at all blame us for it ; we put away as much at one time and other of bevar as, if they had been sayid togeather and sould at the best hand, would have yeilded .3. or .4. 100. pounds ; and yet those are nothing to those we have lost for want of means to geather them when the time was, which I fear will scarce ever be againe, seeing the Duch on one side and the french on the other side and the fishermen and other plantations betweene both have, and doe furnish the savages, not with toyes and trifles, but with good and substantial cmodities,<sup>2</sup> as ketkes, hatchets, and clothes of all sorts ; yea the french doe store them with biskay shalopes fited both with sails and ores, with which they can either row or saile as well as we ; as also with peices powder and shot for fowling and other servises ; (we are informed that ther are at this present a . 100 . men with . 8 . shalops coming from the eastward, to robe and spoyle their neighbours westwards) ; also I know upon my owne knowledg many of the endeans to be as well furnished with good ketkles, both strong and of a large size, as many farmers in england ; yet notwithstanding we shall not nectlect to use the best means we can with the pinnas and means we now have, both for trading or any other imployment the best we can for both your and our advantage ; but we are sorie that shее is maned with so rude a crew of sailors ; we hope the maister is

<sup>1</sup> Secunda. This word in the margin of the original indicates that a duplicate was sent by another ship.

<sup>2</sup> Sic.

an honest man ; and we find the capten to be a loving and courteous gentle-man ; yet they could not both of them rule them, so as we were faine to alter their conditions and agree with them for wages as well as we could ; and this we did not only by the capten, and maisters, together with M<sup>r</sup> peirces advice, but we saw we were of necessitie constrained thereunto to prevente furdur mischefe, which we saw would unavoydably ensew ; for besides the endangering of the ship, they would obey no command, at least without continuall murmuring, aleging that they were cousened and deseaved and should saile and work for nothing, the which they would be hanged rather than they would doe, as also that they would not fish, or doe any such thing ; they said they were fited out for a taker, and were tould that they might take any ship what soever that was not to strong for them, as far as the west endeans, and no other imployment would they follow ; but we doubt not now to have them at a better pass, and hope to raise some benefite by her imploymente ; shee is now to go to the southward ; we have sent to the Indeans, and they promise us we shall have both corne and skines ; at her returne we think to send her northward, both to fish and truck, if it please God to bless them.

We have sent unto you (with these our letters) one of our honest freinds, Edward Winslow by name, who can give you beter and more large Information of the state of all things than we can possiblie doe by our letters ; unto whom we refferr you in all partickulars ; and also we have given him Instrucktion to treat with you of all such things as concerne our publick good and mutuall concord ; expecting his returne by the first fishing shipss.

We have write to the counsell for an other patente for cape Anne to weete for the westerside of it, which we know to be as good a harbore as any in this land, and is thought to be as good fishing place ; and seeing fishing must be the cheefe, if not the only means to doe us good ; and it is like to be so fite a place, and lyeth so neer us ; we thinke it verie necessarie to use all diligence to procure it ; and therefore we have now write unto you and the counsell againe about it, least our former letters should not be come, or not delivered, of which we have some suspition ; M<sup>r</sup> Weston hath written for it, and is desirous to get it before us ; and the like doth M<sup>r</sup> Thomson ; which is one spetiall motive that hath moved us to send over this messenger fore named ; as also about that grand patent which we understand you have gott from M<sup>r</sup> peirce, which if it be as we have it is by M<sup>r</sup> Thomsons relation, but to goe by a right line from the Gurnatsnose due west into the land a certain way, and noe furdur north-ward, it will stripe us of the best part of the bay, which will be most comodious for us, and better then all the rest ; therefore seeing now is the time to helpe these things we thought it were then necessarie to send aboute the former patente for cape Anne ; we desire it may be procured with as ample privileges as it may, and not to be simple confined to that place, but in our liberty to take any other, if we like it better.



M<sup>r</sup> peirce<sup>1</sup> (for ought I hear) hath used our passengers well, and dealt very honestly with us; but we wanted a perfect bill of lading, to call for ech parcell of our goods, which as you have occation we pray you see toe hereafter, for it is very requisite though you have to deale with honest men. we have agreed with him to lade him back for a · 150 · pounds, which you will thinke something much, but we could gett him no cheaper; we did it the rather that he might come directly home, for the furdurance of our other affares; as also for some other respects necessarie and benefitall for us; we have laded him with clapboard,<sup>2</sup> the best we could gett, which we hope at the least will quite the cost; for lengths they are not cut by the advice of the Cooper and pipe-stafmaker which you sent us; for thicknes they are bigger than those which come frome other places, which must accordingly be considered in the prices; the cooper of the ship saith they are worth · 5 · per · 100 · and I here he means to bye some of them of you; of which I thought good to give you notice.

We have also sent you that small parcell of fures which we have left, besides those we put away formerly; if the ship had but come one month sooner, we had sent you a good many more, though since that conspiracie raised against us by the Indeans, caused by M<sup>r</sup> Westons people, and that execution we did at the Massachusets, cheefly for the saving of their lives, we have been much endamaged in our trad, for ther wher we had most skins the Indeans are rune away from their habitations, and sett no corne, so as we can by no means as yet come to speake with them. we have taken up of M<sup>r</sup> peirce sundrie provissions, the cheefe wherof is bread, and course cloth, and some other needfull things withall; and with them he hath put upon us some other things less necessarie, as beefe etc. which we would not have had if we could have had the other without them; fear of want againe before suply come to us, as also a litle to encourag our people after ther great dishartening hath made us presume to charg you herewith; a bill of the pertickulars we have here sent you; we hope the fures will defray it.

It is for certain that great profite is here raised by fishing; the shipes have this year made great viages, and were a great many of them;<sup>3</sup> and if we could fall once into the right cource about it, and be able to manage it, it would make good all; a good fishing place will be a great advantage for it, wher the boats may goe quickly in and out to sea at all times of the tide, and well stoed with fish neer at hand, and convenient places to make it, and build stages in, and then it will not only serve for

<sup>1</sup> About 14. days after came in this ship, caled the Anne, whereof M<sup>r</sup> William Peirce was m<sup>r</sup>, and aboute a weeke or 10. days after came in the pinass which in foule weather they lost at sea, a fine new vessell of aboute 44. tune, which the company had built to stay in the cuntri. *History "of Plimoth Plantation"* (1898), 171.

<sup>2</sup> This ship was in a shorte time laden with clapboard, by the help of many hands. Also they sente in her all the beaver and other furs they had, and M<sup>r</sup> Winslow was sent over with her, to enforme of all things, and procure such things as were thought needfull for their presente condition. *Ibid.*, 177.

<sup>3</sup> Thus, in the original, possibly some words were omitted.

our owne fishing, but after it be known once by experience to be a place well quallified for that purpose, benefite will be made of it by granting licence to others to fish ther. But about these things we referr you for funder information to our messenger and M<sup>r</sup> peirce, who is a man as we perceive very skillful and diligent in his bussines, and a very honest man, whose imployments may doe us much good ; and if you resolve, as we ernisly desire you may, of any course aboute fishing we think he is as fite an Instrument as you can use.

It would be a principall stay and a comfortable help to the Colonie if they had some catle, in many respects, first it would much encourage them, and be in time a gretter ease both for tillage of ground, and cariag of burden ; 2ly, it will make victuals both more plentifull, and comfortable ; 3ly, it might be a good benefite after some encrease that they might be able to spare some to others that should have thoughts this way ; espetially goats are very useful for the first, and very fite for this place, for they will here thrive very well, are a hardly creature, and live at no charge, ether wenter or sommer, their increas is great and milke very good, and need little looking toe ; also they are much more easily transported and with less difficulty and hassard, then other kattle ; yet tow of those which came last dyed by the way, but it was by some neclegence. for kine and other catle it will be best when any comes that it be in the spring, for if they should come against the winter, they would goe near to dye ; the Colonie will never be in good estate till they have some.

As touching making of salte we have by accedente had speech with one of the north cuntrie, who came with M<sup>r</sup> Reinolds (who put in here), and was his mate ; he had speech with our smith aboute the making of salt pane, he douts he cannot doe it ; also he saith if they goe about it that have no skill they will quickly burne the pans and doe no good, wheras if they be skillfully ordered they may last a long time. he thought we might have some frome about new-castle that would best fite our tourne for that bussines we pray you provide for us here about as soone as you can, that we may doe some thing to the purpose.

M<sup>r</sup> Westons colonie is desolvd (as you cannot but hear before this time). they had by their evill and deboyst cariage so exasperated the Indeans against them as they ploted ther overthrow ; and because they knew not how to effecte it for fear we would revenge it upon them, they secretly Instigated other peoples to conspire against us also, thinking to cut of our shalope abroad and then to assalte us with their force at home. but ther conspiracie and trecherie was discovered unto us by Massacoyte, (the occation and funder relation wherof our messenger can declare unto you at large, to whom we referr you). we went to reskew the lives of our cuntry-men, whom we thought (both by nature, and conscience) we were bound to deliver, as also to take vengeance of them for their villanie entended and determened against us, which never did them harme, weaiting only for opertunitie to execute the same. but by the good providence of god they were taken in their owne snare, and ther wickednes came upon their owne pate ; we kild seven of the cheife of them, and

the head of one of them stands still on our forte for a terror unto others ; they mett our men in the feild and shoat at them, but thank be to god not a man of them were hurte ; neither could they hurte the Indeans with their peices, they did so shilter them selves behind great trees, only they brake the arm of a notable rogue as he was drawing his bow to shoot at capten standish, after which they came away. we gave the capten ordere, if M<sup>r</sup> Westons people would, that he should bring them to us and we would aford them the best secoure we could, or if they chose reather to goe to Monhegin, that then if he tooke any corne from the Indeans, he should let them have to victuall them thither (which accordingly was done, though ours had scarce enoughe to bring them home againe). yet for all this, and much more [the]y cannot afford us a good word but reproach us behind our backs.

Touching our governemente you are mistaken if you think we admite weomen and children to have to doe in the same, for they are excluded, as both reason and nature teacheth they should be ; neither doe we admite any but such as are above the age of 21 years, and they also but only in some weighty maters, when we thinke good ; yet we like well of your course, and advice propounded unto us, and will as soon as we can with convenience bring it into practice, though it should be well it were so ordered in our patent.

Now wheras you think we have been to credulous in receiving insinuations against you, and to rash in complaining and censoring of you ; as also that to pertickular men letters have been writen not with that descr[e]tion and deliberation which was meet, we answare what others have writen we know not, neither could hinder ; if ther be any thing otherwise then well lett them beare their blame ; only what we have writen we best know, and can answer. and first we wishte you would either roundly suply us, or els wholly forsake us, that we might know what to doe ; this you call a short and peremptorie resolution, be it as it will, we were necesarily occationed by our wants (and the discontents of many) therunto. yet it was never our purpose or once came into our minds to enter upon any course before we knew what you would doe, upon an equall treaty of things, according to our former, as we conceivd, bonds between us. And then if you should have left us we mente not to joyne with any other (as you it should seeme conceived) but thought we could get our selves foode, and for cloathes we Intended to take the best course we could, and so to use the best means we could to subsiste, or otherwise to returne. though Indeed we thinke if you had left us we might have had others desirous to joyne with us. also you may conceive some of us have had enough to doe to hould things togeather amongst men of so many humors, under so many difculties, and feares of many kinds ; and if any thing more hath been said or writen to any by us, it hath been only to shew that it might rather be marvelled that we could at all subsist, then that we were in no better case haveing been so long without suplie, and not at all for your disgrace. If necessity or pation have caried others furdre, your wisdoms will (I doute not) beare

with it. as for capten standish we leave him to answare for him selfe ; but this we must say, he is an helpfull an Instrument as any we have, and as carfull of the generall good, and doth not well aprove him selfe.

Indeed freinds it doth us [muc]h good to read your honest letters. we perceive your honest minds, and how squarly you deal in all things, which giveth us much comforte, and howsoever things have been for time past, we doubt not for time to come but ther shall be that good coraspondance which is meete. and we shall labore what we can to be answarable to your kindnes and cost.

for our freinds in holand we much desired their companie, and have longe expected the same ; if we had had them in the stead of some others we are perswaded things would have been better then they are with us, for honest men will ever doe their best endeavoure, whilst others (though they be more able of body) will scarce by any means be brought too ; but we know many of them to be better able, either for laboure or counsell then our selves ; And indeed if they should not come to us, we would not stay [her]e, if we might gaine never so much wellth, but we are glad to take knowledge of what you would write touch[ing] them, and like well of your purpose not to make the generall body biggere, save only to furnish them with usefull members, for spetiall faculties.

Touching those articles of agreement, we have taken our selves bound by them unto you, and you unto us, being by M<sup>r</sup> Weston much pressed ther unto, we gave M<sup>r</sup> Cochman full Commission to conclude and confirme the same with you. for any thing furdur ther aboute we referr you to our messenger ; though in any bound made, or to be made between you and us, we take our freinds at Leyden to be comprehended in the same, and as much interese[d] as our selves ; and their consents to be accordingly had ; for though we be come first to this place, yet they are as principalle in the action and they and we to be considred as one body.

We found the chirugion in the pinas to be so proude and quarelsome a man, and to use his termes in that sorte, as the Capten and others durst not goe to sea with him ; being over ready to raise factions and mutanie in the shipe ; so as we were constrained to dismise him, and hire M<sup>r</sup> Rogers in his roome, M<sup>r</sup> Peirce being willing to releace him, to doe us a favore. he is to have . 35 . s . per month, wherof he desers his wife may have . 16 . s a month, which we pray you may be accordingly performed.

About Hobkins and his men we are come to this isew. the men we retaine in the generall according to his resignation and equietie of the thinge. and about that reckoning of . 20 . ode pounds, we have brought it to this pass, he is to have . 6 . <sup>11</sup> . payed by you ther, and the rest to be quite ; it is for nails and shuch other things as we have had of his brother here for the companies use, and upon promise of paymente by us, we desire you will accordingly doe it.

for the tokens of your love and other the charges you have been at with my selfe ..... befit .....<sup>1</sup> you many thanks, (and so doe they

<sup>1</sup> A hole in the paper.

likewise) not knowing how to recompence your kindnes. it is more then we have deserved at your hands.

Touching those which came unto us in ther pertickular, we have received them in as kindly maner as we could, according to our abilite, and offered them as favorable termes as we could touching their footing with us. yett they are sundrie of them discouraged I know not whether by the countrie (of which they have no triall) or rather for want of those varietis which England affords, from which they are not yet wayned, and being so delitefull to nature cannot easily be forgotten without a former groundred r[esolu]tion. but as they were welcome when they came, [so sh]all they be when they goe, if they thinke it not for their g[oo]d, though we are most glad of honest mens companie ; and loath to part from the same.

Thus againe giveing you hartie thanks for your loveing affections and large hands extended unto us, we rest your loving freinds to use,

WILLIAM BRADFORD, Governor

ISAAC ALLERTON, Assistant

PLIMOTH

September 8

1623

2. *Letters of Samuel Cooper to Thomas Pownall, 1769-1777.*<sup>1</sup>

The following letters of the Reverend Samuel Cooper relate to public affairs in the American colonies before the outbreak of the Revolution and during the war. As far as the present writer is aware they are now for the first time printed.

In the library of George III., presented to the nation by George IV., is a manuscript volume (British Museum, King's MSS. 201) comprising "Original Letters, from Dr. Franklin to the Reverend Doctor Cooper, Minister of the Gospel in the Town of Boston in New England, in the years 1769, 1770, 1771, 1772, 1773, and 1774, upon the subject of American Politics." With this volume are two others, bound and lettered in the same style, the one containing original letters from Governor Pownall to Dr. Cooper (*ibid.*, 202), and the other, drafts and copies, in his own handwriting, of letters from Dr. Cooper to Dr. Franklin and Governor Pownall (*ibid.*, 203). A fourth volume (*ibid.*, 204) contains copies of Cooper's letters to Franklin, Franklin's letters to Cooper (except that of December 30, 1770), and all but two of Pownall's to Cooper, the letters of Cooper to Pownall being omitted.<sup>2</sup>

<sup>1</sup> A brief notice of Samuel Cooper may be found in Vol. VI., p. 301, of the REVIEW.

<sup>2</sup> Preceding the transcripts in the last-mentioned volume is a short history of these letters, which runs as follows :

"Account of the manner in which the following Letters came into the hands of the Person who now possesses them.

"Immediately after the Affair of Lexington, which happened upon the 19th of  
AM. HIST. REV., VOL. VIII.—20.

Pownall's twenty-six letters to Cooper, comprising "the newly discovered evidence" of Frederick Griffin, may be found published, generally entire, in that author's *Junius Discovered* (Boston and London, 1854). Cooper's letters to Pownall, fourteen in number, beyond an occasional extract, have not, as far as the present writer can learn, been heretofore printed. The first letter here printed, dated "Boston Feby. 18. 69." and the last one, dated "28. March 1777," are in the possession of Mr. Marvin M. Taylor of Worcester, Massachusetts.

FREDERICK TUCKERMAN.

I. SAMUEL COOPER TO THOMAS POWNALL.

*Dear Sir,*

Boston Feby. 18. 69.

I am now to acknowledg the Favor of your Letters of the 16 and 20th of Nov'r last, and to Thank you for the kind and particular In- April, 1775, the Town of Boston was surrounded by the Rebels and all intercourse with the Country was cut off. Those who were in the Town were not allowed to quit it without the permission of the commander in chief, and no person was allowed to pass the lines to go into the country without first being searched by Officers appointed by the General for that purpose. At this time many of the leading Men of the disaffected party were still in the Town, and among the rest the Revd. Dr. Cooper, Minister of the Gospel to one of the Religious Societies in that town, a Man of great weight and influence among the people, who admired him as much for his Abilities, as they respected him on account of his Holy profession, and his exemplary life and conversation. He, with many others, made immediate application for leave to quit the Town, and obtained a Passport for that purpose.

"At this time he had in his possession the Originals of the following Letters from Dr. Franklin, together with the original draughts of his Answers, and a great number of Letters from Gov. Pownall, written the same time, upon the same subject, with the draughts of all his answers to them. Being unwilling to destroy these papers, and afraid of detection if he attempted to take them with him through the Lines, he determined to leave them behind in the hands of a confidential friend, with directions to forward them to him by the first safe conveyance. He accordingly packed them all up together in a bundle, and sent them to Mr. Jeffries, one of the selectmen of Boston, who at that time was sick, and unable to leave the Town. He was confined to his bed, when these papers were brought to him; they were therefore put by in a trunk which contained other things of his own. As soon as Mr. Jeffries was recovered from his illness, he left the Town, and followed the rest of his Party into the Country.

"His son, Dr. John Jeffries, who is now one of the Surgeons to the Hospital at New York, not choosing to take part in the Rebellion, refused to accompany his father into the Country. With this Son he left everything that he could not take with him, and among other things the beforementioned trunk, either not knowing or forgetting that it contained a treasure belonging to his friend. This trunk remained near a year in Dr. Jeffries' possession without his knowing what it contained, till, upon the evacuation of Boston in the month of March following, collecting his effects in order to embark with them for Hallifax, he accidentally discovered this packet of Letters, and finding them interesting, took care to preserve them. From Hallifax he brought them with him to London in January last [1777, Ellis; 1779, Sabine], and made a present of them to Mr. Thompson [presumably Benjamin Thompson, later created Count Rumford], who now presumes most humbly to lay them at His Majesty's feet, as a literary, as well as a political curiosity."

<sup>1</sup> At the head of the original of this letter is written, "Letter 4<sup>th</sup>. To Tho<sup>s</sup> Pownall Esq<sup>r</sup>. Copy." Thomas Pownall, LL.D., F.R.S., F.S.A., statesman and antiquary, was



formation you have given me of Affairs relating to America, and this Province in particular. As I am fully persuaded both of your Ability and Inclination to serve us, and have heard with much Pleasure of your friendly Exertions on our Behalf, I shall omit no<sup>1</sup> Endeavors of my own, as far as they will go to enlarge your Opportunities of shewing your Kind Regard to us. I have made, and shall continue to make the best Use of your Letters to this End, and at the same Time in so cautious a manner as to avoid ev'ry Inconvenience to you. — The Agents for America, I am afraid have not thoroly done their Duty to their Constituents. De Berdt<sup>2</sup> has grossly fail'd respecting the Petitions committed to his Care — I am told it was asserted in Parliament, in Favor of the Secretary of State, that the Petition of y<sup>3</sup> House was never given to him ; nor can I learn that this was contradicted, tho the Agent wrote the Speaker that He had offered it to His Lordship. — The Province is certainly much oblig'd to you for the sound Advice you gave him respecting the Petition of the Convention,<sup>4</sup> and his not acting according to it, at such a Crisis appears to me unpardonable, and has lost him much Confidence here. I was surprised to see the Complexion of the Thing such after the Petition had got home, and the good Conduct and Effect of the Convention were known, as also the Testimony of the Council to the good Order of the Town ; and am afraid this was owing to uncandid and exaggerated Accounts transmitted from hence, and too easily credited by Administration. The People of this Town and Province, are under this great Disadvantage, that living so distant from the great Fountain of Government, they Know not what has been alledg'd against them, nor in what Light their Conduct has been plac'd, and consequently it is out of their Pow'r to vindicate themselves till the Misrepresentation has had its Effect. — In political Contests, of so important a Nature as the present, between Britain and the Colonies, is it just that Government should act upon Accounts stated ex parte ; for such we may suppose many of the Accounts receiv'd at the great offices from the immediate Servts of the Crown, and industriously conceal'd

born at Lincoln about 1722, and graduated at Cambridge in 1743. Ten years later he came to America as private secretary to Sir Danvers Osborn, Bart., royal governor of New York. In 1755 he was appointed commissioner for Massachusetts ; and in 1757 succeeded General Shirley as governor of that province. In 1759 he was appointed governor of South Carolina, but he never assumed the government of that colony. In 1760 he returned to England, and sat in Parliament first for the Cornish borough of Tregony, and subsequently for Minehead, Somerset. He died at Bath, February 25, 1805. Pownall was a staunch friend to the American colonies, and as a member of Parliament strenuously opposed the ministerial measures against them. He protested against the war with America, predicting the consequences which followed. For some further account of him see *Dict. Nat. Biog.*, XLVI. pp. 264–268. A list of his writings may be found in the appendix to *Junius Discovered*, by Griffin.

<sup>1</sup> After this the word "opportunity" is written and stricken out. Other erasures of this kind have been made, but have not been transferred in publication.

<sup>2</sup> Dennis De Berdt, colonial agent in England for the Massachusetts assembly.

<sup>3</sup> This word may be "ye," *i. e.*, "the" and perhaps it should be printed "the" here.

<sup>4</sup> The convention of September 22, 1768. See Frothingham, *Life of Warren*, 86–96.

from the People who are essentially interested in them ; Ought not the People to be made acquainted with these Accounts, and invited to vindicate themselves as far as they can, before Decisions are founded upon them that must affect their most important Interests — I find it has been receiv'd among you, as an undoubted Fact, that the Convention was called by the Town of Boston, upon the Precedent of 1688 — on Supposition of the Dissolution of Government, and with Intention to erect a new one — Had this been true, I should not wonder at the Resentment expres't against the Town of Boston, and the Circular Letter of the Selectmen. But this is far from the Truth — I never heard that they intended to proceed upon such a Ground, till it came from your Side the Water, suggested I believe from hence — The Letter mentions no such Thing — and it was, I am persuaded, far from the Intention of those who propos'd and carried that measure. If the Proceedings of the Convention were legal, innocent, and even meritorious, as I think they were, so were those of the Town of Boston, and of the Selectmen, that made Way for the Convention — The Design of it was, to calm the People, to prevent Tumults, to recognize the Authority of Government by humble Remonstrances and Petitions, and to lead the People to seek Redress only in a Constitutional Way. The discerning who promoted this Measure, saw that it must have this Effect. Had any Thing been intended in Opposition to Government, common Sense would have forbid the Calling the Members to assemble in this Capital, where all they said and did must be Known, and would have left them to act more secretly, and effectually in the several Districts where they had Influence — The Publicity of the Meeting, was consider'd as the surest Pledg of the Prudence and good Temper of their Proceedings. Candor would have thus represented it to Administration. I have nothing to say, as to the Propriety of the Vote respecting Arms — It had an ill Appearance upon which Account I dislike'd it ; but that was all. it was strictly legal — For it was not, as has been maliciously represented, a Resolution to *take up* Arms, but only to comply with a *Law* that *obliges* the Inhabitants to be *provided with* them. There was at that Time, not only a *Report*, but a General *Apprehension* of a War with France — Some however, I do believe were in Favor of this Vote, not Knowing what Excesses the Troops that were then expected might commit, and because they judg'd it expedient for the Inhabitants at such a Juncture to avail themselves of the Privilege given them by Law, and that a public Declaration of this might be a Security to them.

Mr. Greenville's Pamphlet is in many Places rather plausible than solid — Your Note is handsom[?] and conclusive — It is strange that we should be represented as paying no Taxes, because we avoid as much as may be, Duties and Burdens upon Trade, and make prompt Payment ; — that a Necessity for Paper money should be be consider'd as a Mark of our Riches, and that a Tax should be propos'd to be laid on America, an infant Country, twice as large as upon Ireland, an old Kingdom, of

establish'd Manufactures — that the [*illegible*] of Woollen Manufactures, should be held out as a Douceur to the last, and nothing but a severely restricted Trade to poor America. — A larger Quantity of British Goods were imported into America, the Year of the Stamp Act than in the succeeding ones, because the Merchants here gave Orders to their Correspondents, in Case they apprehended the Repeal would take Place, to ship a more than common Quantity of Goods; because the Act had given a start to American Manufactures wch was perceptible the next year and still further promoted by subsequent Acts of the same Spirit: so that Facts truly stated are directly repugnant to the Author's Argument. Manufactures daily advance among us: Hundreds of the Troops station'd here have already deserted, delighted with the Country, and mixing with its Inhabitants, carrying useful Arts and Trades as well as military Skill, wherever they go — In short, ev'ry hard Measure from Britain, reacts upon itself; and true Policy respecting America seems to have forsaken your Councils.

I have heard that when the Secretary of State was pres't in Parliament, upon American Measures, it was said in his Vindication, that the Order to dissolve the Assembly in Case of Non rescinding, was never design'd as a Threat to a Corporation; that being address'd to the Governor, as a Direction to his Conduct alone, it could by no Means be consider'd in that light; and that another Assembly must of Course meet in May — But the Governor laid this Order before the Assembly, declaring himself indispensably oblig'd to obey it — It had therefore as much Effect upon their Deliberations as if it had been adres't immediately to them. The House desiring a short Recess, to consult their Constituent upon so important a Point, were refus'd — Nay when they only took a few days to deliberate upon it, the Governor grew impatient, and told them in a Message, that He expected an immediate Decision, and should regard a longer Hesitation as an absolute Denial, and proceed accordingly — Was all this no Threat to a Corporation — <sup>1</sup>

II. SAMUEL COOPER TO THOMAS POWNALL.

May 11<sup>th</sup> 1769

*My Dear Sir.*

I am extremely obliged to you for the trouble you have given yourself, so particularly to inform me of Affairs in which America is interested. I have receiv'd your Letters of 30 Jan<sup>y</sup> [and] 13 Feb<sup>y</sup> [and those of] 19, 21, 22 March<sup>2</sup> have been deliver'd to me. I wrote you by Capt. Hall, and Scot, who both promised me very particularly to deliver my Letters into your own Hand. Tho I suppose by your Letters, that some have not fulfill'd their engagements to me upon this Head. I shall however take the best care I am able in this Point for the Time to come. Ev'ry

<sup>1</sup> The remainder of this letter is missing. With a few exceptions Dr. Cooper's drafts or copies are signed by him, either in full or with his initials.

<sup>2</sup> All of the letters here mentioned, except that of March 21, are printed by Griffin in *Junius Discovered*.

American and indeed ev'ry Friend to the true Interest of the Nation is indebted to you for your Speech in Parliament upon the Resolution in which you united Reasoning and Eloquence with a precise Knowledge of Facts. But I'm afraid that some on your Side the water do not wish that things should be view'd in a clear and just Point of Light, they have taken their Part, and know not how to recede, and seem determin'd to use their utmost efforts to support the credit of their Representations, upon which they have hastily founded their Sentiments and Conduct — Measures that have been gone into thro Mistakes and from *false Lights* held out to leading men, must be maintain'd and perserver'd in for the Sake of Dignity, as if it could be for the Honor or Support of Government to persist in Error.

Your Speech which was soon Publish'd and dispers'd among us, tho not from the copy sent me, which came later than some others, is much admir'd among us, and regarded as a Proof of your Knowledge Public Business, and of your Zeal for the Welfare of both countries. But tho there is nothing in it, that I can discern, to give the least Umbrage to the warmest Friends of Government, yet I suspect that ev'ry Part of it is not highly relish'd by some few among us, who are fond of Assuming this character, and are for — having ev'ry thing carried with a high Hand. On the other Side, some are jealous that from your concessions on the Head of *external Taxes* you meant the Establishment of a *Revenue*, on Port Duties, which they say would not be going back to the old Ground: inasmuch as before the Stamp Act: Parliament evidently intended nothing more than a *simple regulation* of Trade for the Benefit of the whole as a Proof of which they allidg, that the Duties rais'd by the Molasses Act were consider'd only as Perquisites to the Officers here, and not appropriated to any use by Parliament, or bro't into the accounts of the Exchequer — In the observations on the state of the Nation, said here to be M<sup>r</sup> Rourkes, it is remark'd if I mistake not, that a Country from which Britain reapes the Fruits of a double Monopoly, that of all its Imports and all its exports, can never in true Policy be consider'd as the Object of Taxation — These Monopolies must draw from it all it can yield: and if they are not strictly Taxes, they certainly include all Taxes. So that Government may take the *old Ground* with ev'ry advantage to itself — The Gentlemen of the convention and particularly the Selectmen of Boston are greatly oblig'd to you for your Candid and accurate Vindication of them, from these artful and cruel Misrepresentations which aim'd at nothing Short of involving them in the Penalties of Treason — Tho there is not a man among us, but must be convinc'd in his own Mind, from the open Part which they took, and from other circumstances that these Gentlemen were not apprehensive that they were doing anything illegal. I cannot think of the Malignity of some among us, without Detestation and Horror.

I do not wonder that the nullum Tempus Bill, was not consider'd as extending to America; nor am I surpris'd after what has taken place; that it made a Question whether any of the great acts, that guard the

Liberties of the Subject do thus extend an unbounded Pow'r, can do anything with us. It can create and annihilate us as often as it Pleases, whom we are to obey, it can make us absolutely and completely British Subjects: when we claim a Privelege it can as easily unmake us. How dreadfully precarious is such a condition, and can any Man imagine, that so great a Part of the Nation, as now inhabits America, and that is rapidly growing, to an equality in Numbers with those within the Realm, can be contented with such a Situation, while they have as thoro an understanding as high a value for the Rights of the British Constitution as any who enjoy them: We must be plac'd upon a broader and firmer Bottom than we stand at present or Things will inevitably tumble into confusion — I am oblig'd to you for the copy Inclos'd of the Mutiny Bill, it being the only one in the Place. — I read it to General Mackay,<sup>1</sup> who arrived about a Fortnight ago. — The alterations which you originated have greatly amended the act — But the passing a Law here for the Purpose Mention'd, is like to meet with opposition upon two accounts; because we have never made an act the operations of which is to be *Suspended* till it be confirm'd by the King; and because People will be extremely jealous of anything that shall look like a conceding to the establishment of an Army among us in Time of Peace. — For the same Reasons as because the Troops were quarter'd in this Town in direct opposition to act of Parliament, our assembly will thoroly deliberate I imagine before they give any Money towards the Support of these Troops in their present Situation. Many I am persuaded w'd chose to have their Money taken from them by Force, rather than give the Sanction of their own consent, to the Maintenance of an Army sent among us under Pretence of aiding the civil Magistrates, while they protested ag'st it, and which threatens to overthrow the constitution.

I enclose you the Instruction of the Town of Boston, from which you may judg of the general Disposition of the whole Province: and how far the late measures are likely to soften us to any concession — Our Merchs stand firm to their agreement respecting Non Importation of Goods.<sup>2</sup> Some who had goods sent contrary to expectation, have readily resign'd them to a committee of the Body. — a few who never enter'd into the agreement and have imported a small Quantity, have their Names publish'd in Hand Billits, to their great vexation, because they know it is the Spirit of the People in the country as well as Town not to purchase of them. For which Purpose Engagements will be form'd among the Purchasers of Connecticut and N. Hampshire as well as this Province. Ill Humers if violently repell'd at one avenue do naturally break out at

<sup>1</sup> Colonel (afterwards Major-General) Alexander Mackay arrived in Boston with the troops from Ireland in November, 1768, being at that time in command of the 65th Regiment. He returned to England the following August. See *Mass. Hist. Coll.*, 6th Series, IX. 170, note.

<sup>2</sup> The merchants and traders of Boston had entered into an agreement not to import goods from Great Britain, and further agreed that no goods should be sent from Boston until the revenue acts had been repealed, and so notified De Berdt, the agent of the colony in England. See *Mem. Hist. Boston*, III. 29, note.

another, till there is a radical cure. The same Firmness is discover'd by the Merchants at N. York and some that have imported there, have Solemnly engag'd to send back their goods while we are thus stopping our Importation

Manufactories continually increase among us ; We are ambitious of being clad in our own Produce ; and the invention of a Sagacious and injur'd People quite thro this extended Continent is now upon the Stretch, to find out ways and means to supply themselves, and diminish the commercial advantage Britain has reaped from them. — This is indeed an unnatural state — But we have been drove to it, and if the Presure continues the state will become natural by Habit, and the Tree will break before it is made strait again. In the Mean Time the Figure and Influence of the Nation is impair'd — The weight of Negotiation is lost. — It is understood that Peace must be preserv'd upon any Terms with Foreign Pow'rs. — The Manilla Ransom must and other Points Perhaps of greater importance must be wav'd from confessed Weakness. This indited new Insults and Infractions of Treaties — and precipitates rather than protract a dreaded War — And for what are the Foundations thus out of course? Sovereignty you always had and might continue to have ; ev'ry good and valuable Purpose — nor can the Colonies be more useful upon any Plan than that upon wch they stood from the Beginning and is [it] worth while to incur such capital Distresses for the sake of a Shadow : or to Support a few unworthy Servants of the Crown, whose Avarice, paltry Ambition, and base Misrepresentations, have shook the Empire, and essentially injur'd the Service of that good Prince, they were under ev'ry obligation to promote. —

Governor Bernard is still convinc'd as we [*illegible*] to sooth us, on Doubt into compliance, — and employ his great Interest with the People for the service of the Crown. strange that He should seem so loth to leave a country He has so grossly injur'd and abus'd, and He has indeed essentially tho undesignedly Serv'd us — Had he been wise and smooth and known how to have establish'd himself upon a broad Bottom, our Liberties might have been lost without a strougle The assembly I believe will keep up as firm a Tone as any former ones ; and the Council will be more than ever united with the House and the People — For this we are greatly indebted to the Governor —

From what you dropt in your last letter, I expect the Agency would not now be agreeable to you ; as it would give me great Pleasure to have you in that important Trust, but much more to see you again at the Head of the Province, as no man would be more likely to heal our Wounds, and essentially to promote the service of both Countries — The Rev'd M<sup>r</sup> Moore, Presbyterian Minister of Hallifax, promises to deliver this to you with his own Hand — He goes to Sollicit Aid for the poor Ministers at N. Scotia : He is well recommended, and His Success in this affair seems to me of no small Importance to the Support of this declining Province.

To T. Pownall Esq<sup>r</sup>



III. SAMUEL COOPER TO THOMAS POWNALL.

July 12. 1769

*Sir*

I wrote you the 11<sup>th</sup> May acknowledging the receipt of several Letters from you ; and again about the middle of June, which I hope you have receiv'd—D<sup>r</sup> [Franklin] favor'd me with Notes of what you deliver'd in Parliament, in favor of a Repeal of the Revenue Act. Whatever might have been said in reply to this Speech I am persuaded it was never Answer'd ; The Force of your Arguments appears to me irresistible ; and they who were for delaying this just and wise measure to a more *convenient* Season, will never I believe find [*sic*] such an one. I have made the best and most prudent use of these Notes, allowing some Friends, and the Speaker<sup>1</sup> of the House among others, to communicate them as they tho't might be of advantage, but have suffer'd no Part to be copied, or appear in Print, less thro the Baseness of the Times it might be improv'd to your Disadvantage — I gave in my last an account of the Transactions of the Court at their first coming together ; you will see by the Replys not only of the lower House but of both Houses to the Governors Messages and by the Resolutions, the Temper that prevails it is as I told you it would be, more rais'd and fir'd, by ill Treatment.

The assembly have been greatly divided about the affair of an Agent

It has been generally tho't necessary that a Person should be sent from hence, in that character to be join'd by another on y<sup>r</sup> side the Water, to guard ag'st any Misrepresentation of Facts by G. B.<sup>2</sup> But they have been far from agreeing who these Persons should be. Several leading men among us it is tho't, have secretly desir'd the Trust and have travers'd one another. The Council are zealous for M<sup>r</sup> Bollan,<sup>3</sup> with whose service particularly in procuring authentic copies of Bernards and Gage's Letters, they are extremely pleas'd — Finding they were not like to obtain his Election by your Ballot with the House they unanimously [chose] him as Agent for the Council. — The House have chosen none, and I am told are not like to agree upon any, so the Speaker is desir'd to send their Papers to whom He pleases, and as he is connected with Deberdt who has still a considerable Interest, He it is probable will be the Person. Thus the Matter stands at present. — How long it will remain so I pretend not to say. But however divided they are in this Point, they were never so much united in the great American Cause, and in the Resolutions they were unanimous. If any of them appears harsh, you must impute it to the Severity with which we have been treated and the irritation produc'd, and continu'd by the ill conduct of some to whom the business of the Crown has been committed.

<sup>1</sup> Thomas Cushing was speaker of the Massachusetts assembly.

<sup>2</sup> Sir Francis Bernard, Bart., from 1760 to 1771 governor of the province of Massachusetts.

<sup>3</sup> William Bollan, for some years agent in England for the province, and afterwards agent for the Council alone.

Great Part of the Navy and Army are leaving us with the Governor and General Mackay. The Lieut. Governor's Conduct, relative to some causes that have come before the supreme Court, in which Military Officers are concern'd, have greatly increas'd a Dissaffection to him. A specimen Copy of the Resolutions before they were finish'd by the House. appear'd in Print, one of which seem'd to claim all Legeslative Authority in Parliament over the Colonies. The Governor immediately sent the Secretary to the Speaker for an authentic Copy. He replied that the resolutions were still under the consideration of the House, and not compleated and that what had appear'd in Print was imperfect and not genuine. I mention this least any advantage c'd be taken of this circumstance. I send you a copy of the Council's Letter etc upon Governor Bernard's Representation, the Baseness of which cannot but be universally detested

I am Sir

To Governor Pownall

Mem

Wrote by Col<sup>o</sup> Hoar July 26. by the Ripper Man of War

IV. SAMUEL COOPER TO THOMAS POWNALL.

BOSTON, Sept<sup>r</sup> 8. 69

Sir

In one of my late Letters, I gave you a short account, how the affair of an Agent was conducted in the Assembly ; but lest that Letter should Miscary, I think it not amiss to Mention this Matter again : The council some of whom have Family connections with M<sup>r</sup> Bollan being highly pleas'd with his service in behalf of the Colonies, and on their *own Principles* particularly his procuring authentic copies of Letters laid before Parliament, were disirous he should be appointed agent for the Province, and accordingly with this view propos'd to join the House in a choice ; But apprehending they were not like to carry this Point, they soon relinquish'd the proposal of a joint Ballot, and chose him as Agent for the Council, Meaning by this step to testify their regard to him, and secure him some public character, and hoping to induce the House afterwards to make the same choice. But not withstanding the very popular Point of procuring the Letters, no Interest could be made in the House for M<sup>r</sup> Bollan as agent, M<sup>r</sup> Bowdoin was much talk'd of as a proper Person to take off any Misrepresentation of the Town and Province etc. and [it] was confidently expected by almost all out of Doors that He w'd be unanimously chosen But he was not fond of this Trust himself, his Family connections were also against it for the Difficulty of Satisfying Peoples expectations in such a business. In the House it was objected privately that he was a Manager of the Plymouth company, who were endeavoring to carry the Trial of real estate before the King in Council — In Truth the Leaders in the House were suppos'd at Bottom to have an Inclination for this Trust, at least the *offer of it*. If this was the case as

I believe, they thoroly counter work'd and disapointed each other: so that at the close of the session, they appear'd to care a little about the Matter: and spoke of an Agent as unnecessary, and the House left it with the Speaker to write to whom he pleas'd but soon after appointed De berdt for another year.

Many among us are of opinion that it would be best for the Colonies to have no Agent and concern ourselves no more about Remonstrances and Petitions, which have had hitherto so little effect, and to leave the Ministry to procure their own measures till they find themselves like Governor Bernard *at the end of their Tether*, to which if I mistake not they are by this Time very near if not quite arriv'd — Our General Court was prorogu'd by S<sup>r</sup> Francis, before he left us till January.<sup>1</sup> He is gone home with high expectations of improving the Proceeding of last sessions greatly to our Prejudice; and since his departure we have had copies of Letters of His and others from him and others w<sup>ch</sup> discover as base and infamous a Design, to compass the ruin of the Province as perhaps any History can parrallel. M<sup>r</sup> Hutchinson<sup>2</sup> when assuming the chair, made a soft complaisent speech to the Council and is prudent en'o not to have so many Councils as in the late administration upon trifling occasions, and beneath the Dignity of such a Body. He would be glad not to [be] tho't by the People to have been very closely connected with S<sup>r</sup> Francis etc; but he will find it hard to effect this; and He had indeed not many warm Friends, who were not friendly to the other: so that without a change of Measures at home He will not be able to do much in Favor of Government or to negotiate such ground as you hint it has been led to expect.

Our Merchs. remain firm, you teach us to live more and more within ourselves. Your own Troubles I find increase ev'ry year bring you nearer to War; and almost ev'ry measure has given the enemies of the Nation an advantage a Rupture will at once shew the true state of Britain, and it will awake like Sampson shorn of his strength. But I check myself.

And am dear Sir

To Pownall

V. SAMUEL COOPER TO THOMAS POWNALL.

BOSTON N. E. 1 Jan<sup>r</sup> 1770

*Dear Sir.*

By your last Letters of Sept 25<sup>th</sup> I have the Pleasure to find you were safe arriv'd from Ireland: I do not wonder that the Patriots of [that] Kingdom have a sympathy for America. Common Dangers and

<sup>1</sup> "When the Massachusetts Assembly, sitting at Cambridge, had refused to grant the supplies demanded by Bernard, that functionary prorogued it to the tenth of January. When that date arrived, Hutchinson, under arbitrary instructions from Hillsborough, prorogued it still further to the middle of March." *Mem. Hist. Boston*, III. 28.

<sup>2</sup> Thomas Hutchinson, the lieutenant-governor.

<sup>3</sup> There are two letters from Governor Pownall of this date, both printed in Griffin, *l. c.*, 235 ff.

Suffering are apt to unite us, and however free the ruling Nation may be in itself, it behoves the state dependent upon, jointly to guard against encroaching Pow'r. It has been observ'd, however it comes to pass, that the Provinces of a free Nation have commonly much less privilege in comparison with their Fellow Subjects, than those that belong to an arbitrary Prince. Ireland I have ever tho't, has had hard measures, but the Privilege of granting their own property is still left — should this Natural this constitutional, this unalienable Right be ever torn from these Colonies, I do believe we should be as oppres't and miserable a People as any under Heav'n. Those who profit of the Revenue here would continually employ their invention to enlarge it, without regard to the abilities or Inclinations of the People, to propose new Burdens, new ways and means, and new Securities for the collection, Government would confide generally in its servants here, and see with their eyes, and our remonstrances coming from a distant People, cold upon Paper, and from a People represented as disaffected, would avail little. You cannot wonder that the most sober among us shudder at the most distant prospect of such a situation. We are sensible that before the late Revenue Acts, we were upon a better Footing than that of Ireland, but should the entring wedg remain we shall soon be in a much worse. And we do not wish for an establishment like Ireland Secretary, Secretary Oliver,<sup>1</sup> who has lately been at N. York upon the affair of the Line between that Province and N. Jersey has shewn me a Plan, or rather a few general Propositions for the settlement of America, which he tells me some Gentlemen in that city are fond of, and have wrote home to their Friends to bring forward. — These Propositions have never appear'd in Print: they are not known here; nor have I ever heard of them but from the Secretary. — They mean to establish an *American Parliament*, chosen by the general Legislatures of the Colonies. I have no expectation from this Proposal, imagining it would neither be agreeable to Government at home, from the union it proposes, nor to the Generality here for other reasons, whatever may be suggested by Individuals from this side the Water, the Body of the People are for recurring to first Principles — The old establishment upon which they have grown and Flourish'd. The Charter of W<sup>m</sup> and M. gives ev'ry reasonable security to the Nation and Government; for our Subordination — No Mony can be rais'd, no Act pass'd but by the consent of the Governor appointed by the King. Should a disagreeable Act escape it can be annihilated by the King in Council. Moreover the Disposal of Offices civil and Military by the Governor creates a great Interest among ourselves, and even in the Representatives of the People on the side of Prerogative. I might Mention, but need not to you, have said so much. What addition can be made in Equity or Policy to all this; and yet many People seem to imagine that if the Colonies should obtain what they have petition'd for, they must imme-

<sup>1</sup> Andrew Oliver (Harvard College, 1724) was a member of the council from 1746 to 1765, and secretary of the province from 1756 to 1770. In 1771 he succeeded Hutchinson as lieutenant-governor.

diately become independent. When indeed we wish nothing remov'd but innovations and innovations that experience has prov'd to be prejudicial to both countries ; and wish those securities to remain to the Nation, which our establishment, plann'd by some of the wisest men that ever adorn'd that Nation gives ; and which are really the firmest and best that can possibly be given. It is extremely dangerous to touch Foundations — and by resuming any Previlidge granted to the People by original Charters, they may be led to infer that the Restriction on themselves provided for in the same Charters are also vacated.

I have endeavor'd to avail myself of your Letters for the Good of my Country — The Sentiments were so just and Striking that I could not forbear to publish a good Part of them, tho not in the form of an extract from a Letter ; and carefully concealing except from a trusty few, the Hand from whence they came. Not that there was anything thro the whole that would not do you honor, had you been known as the author, but in these Times, I chose to err respecting my Friends on the safe side.

I have wrote you fully upon the affairs of Agency for this Province — Tho I tho't the assembly would do Honor to themselves, and greatly promote the service of this Country by appointing one to this Trust, whose administrations had so happily united the Interest of the Crown and People, yet when I found the leading men among us look'd at it for themselves, I could not wish you to be dishonor'd by being canvas'd for Diberdt was nam'd at Last, and consider'd not as a negotiator, but meerly as a carrier, or Presenter of Letters etc. It is now I find, consider'd as dangerous, by some men of Influence to have any Provincial Agent at all with such Pow'r as formerly given — They say it is inconsistent to object against Representatives in Parliament, and yet put the Province, as it were, into the Pocket of one man, upon whom the Governor has a negative, that the Agent for N. York is appointed only by the Lower House, and that the want of Authority in such an appointment here, was first started by St Francis, and adopted by the Ministry only as a Protest. All this is objected to Bollan, who has prest strongly for more Pow'r, and notwithstanding some warm Friends in the Council will not be able I believe to carry this Point. In his Letter upon this Head, he has given a copy of his former Authorisation which is alarming great, and allow'd him to appear and *Act* for the Province, and in its Name, and in its Behalf, in all cases touching its Interests — The leading men in the House as far as I can discern are not for forming any dangerous alliances, nor throwing themselves into the arms of any Party on your side the Water : and some are ready to wish that we had not even the appearance of an Agent, nor the Form of any kind of negotiations, chosing rather to leave the American Cause to its own Weight.

Our Merchants continue their Resolution not to import, except two or three, whose Dealing are small, and who, perhaps, may soon be discourag'd. — Not long since they came into an agreement not to import till the Duties on Molasses, Sugar etc. as well as the other Revenue Acts should be repeal'd — But the Merchants at Philadelphia etc. not chosing

to alter their first agreement, promising at the same Time, to unite in any future Measures that might be judg'd expedient for the removing ev'ry grievance, our Merchants for the sake of Preserving Union reverted to their former Stipulations. We are just inform'd that the assembly of N. York, has voted by a Majority of one, Supplies to the Troops. This occasion'd great Uneasiness among the People Many hundreds of whom assembled in the Fields, and expres't their Dislike of this Measure. S<sup>c</sup> Carolina Assembly has refus'd to make this Provision : and the present House of this Province will remain, I am persuaded, fix'd in their Resolution upon this Point. Tho had they not been wro't up by S<sup>t</sup> Francis<sup>1</sup> to an high Temper, they would have refus'd, so warmly, and with such Perempteriness. I am asham'd of the Neglect of our Selectmen in not writing you.— Writing is not their Talent, and I can venture to affirm that their silence is owing to Inattention, and not to want of Regard to you, and a grateful sense of your important services to them and to their country. We are all highly oblig'd to you, and your generous concern for us, will we hope continue these services — I shall write you the Proceedings of the General Court, when it meets. The L<sup>d</sup> Governor, it is said, will interpose for removing the main guard from the Door of the Court House ; but if the Troops remain in Town, I believe the House will do no business in it. We consider this Metropolis, and indeed the whole Province under Duress. The Troops greatly corrupt our Morals and are in ev'ry sense an oppression. May Heav'n soon deliver *us* from this great Evil, and grant to you and yours ev'ry Blessing.

I am my Dear Sir with great Regard and affection

Your Most Obdt. hum<sup>ble</sup> Servt

SAM<sup>l</sup> COOPER

Governor Pownall.

Mem.

Sent with this Observations of the Merchs on Act of Trade to M<sup>r</sup> Pownall and D<sup>r</sup> Franklin

VI. SAMUEL COOPER TO THOMAS POWNALL.

BOSTON Jan<sup>y</sup> 30 1770

*Dear Sir*

I wrote you by Capt Hall the 30<sup>th</sup> of this Month, who promis'd to deliver it with his own Hand. I then told you that the agreement of the Merchs here stood firm, tho the high Party here have promis'd themselves the Pleasure of being able to write an account of its Dissolution before now. Great efforts have indeed been made for this, but hitherto they have been disappointed — and the Spirit of Non-Importation rather rises than abates. Not long ago the two elder sons<sup>2</sup> of His Honor the Lieut Governor, Merchants secretly remov'd and sold some Tea w<sup>ch</sup> they had agreed with the Merchs. to store, and of wch they had given the Keys This gave an alarm. The Merchs. call'd a Meeting of all

<sup>1</sup> Sir Francis Bernard, the governor.

<sup>2</sup> Thomas and Elisha Hutchinson.



*connected* with Trade. This Meeting was large, and increas'd rather than diminish'd by adjournments. The Lieut. Governor soon call'd his council to oppose them: He propos'd a Proclamation to be issu'd ag'st them, as an illegal Assembly: and then that a Message to the same Purpose, s'd be sent them in the Name of the Governor and Council, neither of w'ch with all his address c'd be obtain'd by Him. The Meeting voted to proceed orderly and peaceably in a Body to the House of the Hutchinsons, and some others who had violated their own Voluntary engagements with the Trade: five of the Body were appointed to treat, the rest were to observe a profound silence, w'ch they did. When they came to the Lieut. Governor's House, none of them were allow'd to enter, but his Honor threw up the Window, and appear'd as the principal negotiator. His Honor seem'd willing to consider them as making a tumultuous and threatening application to him as Governor. The Gentlemen observ'd that they came there, not to treat with him, but as the Dwelling of his sons, and reminding him of their dishonorable Violation of their own contract, in w'ch their Honor was depended on. He observ'd, that a contract without a valuable consideration was not valid in Law. Upon the whole the sons refus'd to give any Satisfaction to the Merchs. The evening following His Honor was in great Perplexity, and early the next Morning He sent for M<sup>r</sup>. Phillips the Moderator of the Meeting, and engag'd on the Part of his sons, that the Tea s'd be return'd and a sum of Money in the Room of what was sold. This was immediably [*sic*] reported to the Meeting and accepted. Afterwards He was greatly embarrass'd, sensible that He and his sons were consider'd as the chief Bulwark of those who wish'd to see the Merchants agreement annihilated. He was blam'd for appearing below His Dignity as a negotiator in this business, His sons were blam'd even by his own Friends for their inconsistent and Dishonorable conduct with the Merchs: The commissioners<sup>1</sup> were offended with what they call'd his weakness in this Instance, declaring that he had now given the reins of Government into the Hands of the People, and that he c'd never recover them: — His Unpopularity is increas'd by this Step, He being consider'd as the first Governor upon the continent who has publicly and Directly oppos'd Himself to the Meeting of the Merchs as illegal. He told M<sup>r</sup>. Phillips He was ruin'd — The Point was however gain'd by the Merchs., and He could not go back. All that remain'd was to exert himself in council to obtain a Discountenancing such Meetings: and after having wrote to the Body, without the consent of the Council, by Dint of Importunity one Gentleman was gain'd over, and a majority was procur'd for a kind of adoption<sup>2</sup> of what He had written. The meeting went on Steadily with their Business, and then agreed peaceably to disperse. The last Day of their being together, His Honor summon'd a Number of Justices from the Country to attend him; but this step was attended with no advantage to him, on

<sup>1</sup> Commissioners of the customs in Boston. The board consisted of Charles Paxton, Henry Hulton, William Burch, John Robinson, and John Temple.

<sup>2</sup> Adaption?

the contrary it disgusted the Town, and particularly the Magistrates of it; and even the council themselves, who consider'd these Justices as a kind of second Board.

The few who continue to import, and who it is said are secretly supported by great Promises, are avoided more than ever by customers, and grow more obnoxious. In the mean Time our own Manufactures take deeper root, and the necessity of Importing English Goods lessens ev'ry Day, some striking Instances of wch had I Time I c'd give you. The Proroguing our General Court by order at a Time when if ever the Province needs the aid of its grand council, is consider'd as a great Grievance as [a] violent stopping of our complaints, and as a direct violation of our charter, wch provides that this shall be determin'd by the King's Representative upon the spot, according to his own judgment upon the Posture of affairs. Moreover such a step, instead of cooling tends to warm the Members more when they come together, and to heighten a spirit wch the Ministry w'd wish to abate. Upon the whole our uneasiness and those circumstances among us, that tend to the Prejudice of Gt. Britain, are upon the growing hand, and Time will confirm the Truth of what you observ'd the last session of Parliament, that then was the fittest season for establishing the Prosperity of the Empire, by just and mild Measures respecting America.

We are waiting with Impatience to know in w't manner the Ministry will make good the Promises they gave us last Summer of easing the Colonies, and how they will extricate themselves out of the Embarrassments at home. With respect to ourselves, besides the Board of Commissioners, there are three grand Grievances to be redres't. The Revenue Laws; the Unconstitutional Pow'rs of the Admiralty Courts, and the Standing Army in Time of Peace. Either of these remaining with us, will prove a root of Bitterness.

I am Sir, with best wishes to you and yours  
Your Most Obedt. hum<sup>ble</sup> Servt.

S. C.

The Hon<sup>l</sup> Thos. Pownall Esq<sup>r</sup>

VII. SAMUEL COOPER TO THOMAS POWNALL.

March 26. 1770

Sir

I wrote you not lohg since on account of the conduct of our Merchants respecting those who had violated their engagements, on the Head of Non-Importation and the Part the L<sup>t</sup> Governor took in the affair. This was soon follow'd by the Murder of a Lad<sup>1</sup> from the Discharge of a loaded Muskeut, by an infamous informer w'ch wounded another and endanger'd many more, of wch you will no doubt particularly hear even before this can reach you. But nothing we have ever seen has equal'd the Horrors of the Bloody Massacre on the evening of the 5<sup>th</sup> Instant

<sup>1</sup> Christopher Snider. See *Mem. Hist. Boston*, III. 30.

when a Party of Soldiers with Capt. Preston at their head fir'd upon the Inhabitants in King Street without a civil Magistrate without the least Reason to justify so desperate a step and without any warning given to the People, who could have no apprehension of Danger. The circumstances that preceded, that accompanied, and follow'd this shocking and unexampled scene of Barbarity you will see in the public and authentic accounts w'ch this vessel hir'd by the Town on Purpose to carry.

The Day following, when the Town assembled, and the Governor met his council, with the principal Military Officers the Town prest for a total Removal of the Troops to the Castle, the council unanimously advis'd it, and Col. Dalrymple, the commanding Officer, Signified his readiness, and even appear'd to desire it; which shows his good Judgment in such a critical circumstance. But the L<sup>d</sup> Governor alone was backward would have compounded for one Regiment, and kept the affair in suspense till near night, when he gave way with reluctance. He is by this Time sensible I believe that it is easier to advise and act the second Part in Government, than to stand forward and open in the first Department.

It was a great Favor of Heav'n that the soldiers proceeded no further: That the Inhabitants did not attempt to revenge themselves Instantly; That the Promise of Justice was immediately perform'd and the Party with the Captain deliver'd up to the civil Magistrates. Had more Blood been shed of which there was the most eminent Hazard in the first Heat and confusion our Brethren in the country, apprehending a general Massacre, being on Tip Toe to come to our Defence, no one can tell where it would have stopt, nor what consequences it would have drawn after it, not only in this but in other Colonies: But a Kind Providence interpos'd for us, and we are now happily deliver'd from that Army, which instead of preserving the Peace among us, has in numerous Instances most audaciously violated it, and instead of Aiding has overaw'd and sometimes even assaulted the civil Magistrates, and Demonstrated how impossible [it] is for Soldiers and Citizens at least in our Circumstances to live together. For these and other reasons we cannot suppose that Troops [will] ever again be quarter'd in the Body of the Town. — I could say much upon this Subject but chose to forbear.

The Commissioners have never held a Board since the late Tragical affair, they have adjourn'd themselves from Time to Time, without consulting M<sup>r</sup> Temple;<sup>1</sup> and have left the Town ever since the Departure of the Soldiers, and tho not the least Injury or Insult has been offer'd either to their Persons or any thing belonging to them, it is tho't that they are now so sensible of the Public Odium, and so tir'd of their employment, as to wish for a Removal. The night after the Massacre, the State and apprehension of the Town absolutely requir'd a strong Military watch: This

<sup>1</sup> John Temple, one of the five commissioners of the board of customs for North America, and after the war consul-general of Great Britain to the United States. He married Elizabeth, only daughter of Governor Bowdoin, and in 1786 succeeded his kinsman, Sir Richard Temple, as eighth baronet of Stowe.

was kept up till the Soldiers had all retir'd to the Castle, and the Town has been quiet and in good order ever since. The Officers with their Servants and Attendants from the Castle pass the Streets night and Day in their Regiments without the least Molestation or Uneasiness.

M<sup>r</sup> Robinson one of the Commissioners sail'd for London more than a week ago. His Intention was kept a profound secret till he had embarked and was under Sail, this has occasion'd many Conjectures. It is reported among other things that he carries Depositions secretly taken, relating to the firing upon the Inhabitants, and hopes for the advantage of making the first Impression. If it should be represented that there was a great Mob in King Street, and the Custom House attack'd, you may depend upon it nothing can be further from the truth as you will see by the Depositions sent.

Our General Court is now sitting at Cambridg. Both Houses are uneasy at their inconvenient Situation. The Representatives sit in the New Chapel without fire. The L<sup>d</sup> Governor pleads an instruction from which he cannot, and the House protests ag<sup>t</sup> this as an Infraction of the Charter. They are now proceeding to Business, having as the first step, appointed a Committee of Grievances. Such Prorogations instead of humbling do but increase the Spirit of opposition, and by this Time it must be evident to all, that it is absolutely necessary to restore Harmony and Confidence upon a broad, equal, and Constitutional Basis. It gives me great Joy to hear of your Recovery. May God long confirm your Health, and grant to you and yours all good Things. I am my dear Sir, with the most cordial Attachment

Your Obedt. and hum<sup>ble</sup> Servt.

To Governor Pownall

S. COOPER.

VIII. SAMUEL COOPER TO THOMAS POWNALL.

*Dear Sir*

BOSTON. July 2. 70

I have receiv'd your repeated Favors, the Dates of which I am not now where I can command, but believe all you have sent have been deliver'd: Tho my ill state of Health and absence from Town have prevented my writing you as I should have done, we are greatly indebted to you for your uncommon services, and unremitted exertion in Parliament, for the joint Interest of Britain and the colonies, for your Speeches — your state of the Colonies, — your attention to the unconstitutional Military Pow'r introduc'd among us in Time of Peace: and your concern that the grand securities of British Liberty may be clearly extended. God prosper and reward your generous Efforts. Your Speech in March I immediately communicated to Speaker Cushing. He admir'd it, and carried it to Cambridg the same Day, and read it to the House — it was heard with great Avidity and Pleasure: and we have seen nothing like it from any Member of Parliament. I am astonish'd however that the Reasoning and Force of Expression should have no greater effect in your H. where they ought to have had the most.

I am astonish'd to find upon Gardiner's arrival, by whom I have receiv'd yours of 11<sup>th</sup> of May<sup>1</sup> how basely the bloody affair of the 5<sup>th</sup> March has been Misrepresented in the London Papers. It shows the Malignity of some men against this Town and Province. Those who are capable of giveing and supporting such false and cruel Representations are the chief source of the Troubles of both Countries, and considering the Disposition of these Persons the Arts they employ, the attention paid to them (Check'd only now and then by *Facts publish'd to all the O*) and the encouragement given them by *Secreting their Names*, I have small hopes of a speedy and cordial accommodation. If any Person here give true Information of what ought to be known by Governm't, it cannot be to their Dishonor. If otherwise, they ought to be expos'd, what chance have we, in our present critical situation, if men disaffected to the Country in general may accuse us, and give a Malevolent Turn to ev'ry Incident, while we can neither know the Authors, nor the Matter of the accusation. I expect from what has already happen'd, that before this reaches you, you will hear inflam'd accounts of the Treatment the Population have given to the Importers and to the Informers, and of Commissioner Hulton's windows being broke at Brookline. The Town at their Meeting yesterday chose a committee to state these Facts. But not knowing in what Light they will be held up, it is difficult to state circumstances so minutely, as to obviate any Misrepresentation. Thus had we been aware of the shockingly false Idea that would have been given of the Military Execution, The Captains [Captions?] tho sufficient as they now stand to disprove it might have been more clear and ample to this particular Purpose. You will see perhaps Proclamations from the L<sup>d</sup> Governor and council upon some of these Disorders, Tho no Proclamation has appear'd at N. York upon Several Occasions at least as important, particularly when M<sup>r</sup> Rogers was drove out of that City, as an Importer and oblig'd to fly in the night. I am an enemy to all Disorders, and wish they c'd be prevented. But circumstances are candidly to be consider'd.—and a country distinguis'd from a few obscure Persons in it. When Governm't would enforce Measures that People of all orders apprehend to be unconstitutional, there it will and there perhaps it ought to be weak. The commissioners you know having Tarried some Time in Town after Preston's affair, without the le[a]st affront, retir'd into the Country and held no Board since the Breaking of Hulton's Windows, which notwithstanding the reward offer'd, still remains a Mystery, they have gone to the Castle.—attended by Officers of the Revenue Importers etc. The Castle is no disagreeable situation in the Summer Season, and they expect great things Perhaps from the Retirement. But the Plot will not bear a second Acting. Notwithstanding the Infidelity of a few—the Non-Importation Agreement [?] still Continues. It is got in a great Measure under the controul of the Body of the People thro the Continent. The Importers here, wish'd to be restor'd to the Esteem of their country upon any Terms. M<sup>r</sup> Rogers particularly have made the

<sup>1</sup> Printed in Griffin, *l. c.*, 269.

most pressing applications: and Individuals I believe will be less inclin'd than ever to act secretly and separately from the Body — and Bills of Exchange go a begging greatly under Par. Commodore Hood<sup>1</sup> unable to dispose of Bills, has borrow'd £5000 sterl. of the Revenue chest, to pay for the King's works at Hallifax. Instead of being, we are becoming, creditors to your Merchants; and some of us have order'd Money, instead of goods to be remitted.

If you knew all the circumstances you w'd admire the Candor of the People to Capt. Preston. The Town order'd the account of his affair, and the Affidavits to be kept secret here, lest they s'd operate to his Prejudice on his Trial, and tho his false Acc't in the London Papers have been reprinted in ours and may be suppos'd to have some effect in the country and in other Provinces, as a Ballance to w'ch it was mov'd in the late Town Meeting, that our own acc't s'd be despers'd, yet this Motion was negativ'd from Tenderness to him. People seem universally to wish him a fair Trial — Tho a Tendency prevails that from Court Favor the Law will be eluded — and indeed the confidence of the People in the Executive Pow'r is greatly awak'ned in all cases that have a Political Connection.

To Gov<sup>r</sup> P.

IX. SAMUEL COOPER TO THOMAS POWNALL.

12 Oct<sup>r</sup> 70. and Nov 5<sup>th</sup>

*Dear Sir*

I am the more obliged to you for the repeated Favors you have done me in Writing this Summer, as my state of Health and visits into the Country have prevented my Letters. Upon my return f'm a late excursion I received y'r Letters<sup>2</sup> by Capt. White, w'ch I found to be Duplicates of w't Commodore Gambier,<sup>3</sup> who arriv'd in our Harbor 2 days ago did me the Honor to convey to me last evening immediately upon his coming to Town. As you have very kindly introduc'd me to this Gentleman, I shall take the first opp.y to pay my respects to him in company with M<sup>r</sup> Bawdoin, and s'd be glad to have it in my Pow'r to promote in any measure the ease and agreableness of his Service here. I find you are unwearied in y'r exertions to serve America, and particularly the Province you once so happily Govern'd You will at le[a]st have the homefelt satisfaction that must attend such generous efforts. A Speech said to have been deliver'd the last sessions of Parliam't doing gt Honor to the Massachusetts, f'm our past Services to the Crown, and Strongly pleading that the supreme Military s'd not be separated from

<sup>1</sup> Samuel Hood, a distinguished British naval commander. For his services during the wars of the French Revolution he was made an admiral and created Viscount Hood.

<sup>2</sup> Refers to the July letters, of which there are three in the King's Library, one with a duplicate. They are printed in Griffin, *loc. cit.*, 274-287.

<sup>3</sup> James Gambier, afterwards vice admiral, from 1770 to 1773 commander-in-chief of the fleet on the North American station. He subsequently served at New York and thence was transferred to Jamaica. His son James was raised to the peerage as Baron Gambier.



the Supreme Civil Command, wch I take to be yours has found its way here, been reprinted, and read with much attention and Pleasure. It will do g't service, as it points out very clearly in some important Instances, the Ground we ought to take: And I could wish with you that we were at all Times wise eno to distinguish *Things f'm Persons*, and to place ourselves on the broadest and most constitutional Bottom. It appears to me of no small Importance that we s'd commit our affairs on yr side the Water to the Conduct of some capable trusty Agents: But w't will be done on this Head is at present quite uncertain — M<sup>r</sup> Bawdoin will never accept this Trust, M<sup>r</sup> Bollan has the Interest of a great Part of the Council: The House on the other hand notwithstanding his exertions against S<sup>r</sup> Fr. do not confide in him upon Acc't of his personal connections here, w'ch I need not particularly mention to you. Some of considerable Influence seem not Sollicitous for any Agent. They say it is alledg'd that one who can do effectual Service must be chosen by the whole Legislature, and this is giving the Governor great Influence in this important Matter, and for this very reason S<sup>r</sup> Francis Bernard hinted to ministry an objection to the late Agent of the House, wch objection ought to have operated ag'st the Agent for N. York and others, had there been any Weight in it, and yt they who refuse the negociations of an Agent for the House only would do the same by one chosen by the whole Legislature w'n the nature of the Business was not agreeable to you, and that such an Agent, with Pow'rs equal to w't were formerly given, might make such concessions on the Part of the Province at this Juncture that would be irritable: They say further, that Experience has shown in the present Disposition of Men the inutility of all remonstrances and negociation. They therefore seem inclin'd to expect their fate with a Sullen Silence: and almost despairing of the Mildness, they w'd found some Hopes in the extremity of Measures. I think however that we ought to do ev'ry thing in our Pow'r to allay the Storm, and scatter the Cloud of Misrepresentation, f'm w'ch we are so severely Threatn'd, and accordingly I agree with M<sup>r</sup> Bawdoin in wishing, that you and D<sup>r</sup> Franklin might be joint agents, and if this c'd not be otherwise effected, that M<sup>r</sup> Bollan might be added. I s'd be glad if it were in my pow'r to do more in this Matter than barely to express my wishes.

The House pinch'd by the expiration of some important Acts relative to Property, and by the apprehension of a heavy Tax falling upon the Constituents for the coming year, voted two days ago by a considerable Majority, to proceed to Business out of the Town of Boston, and at the same Time, chose a committee to frame some resolutions and as a Protest to save as far as may be, the Privilege for w'ch they have contested. I shall give you the earliest notice of these Proceedings.

The Defection of the Merchants in N. York f'm the non-Importation agreement has render'd it impracticable both here and at Philadelphia to maintaining any longer that agreem't. It stood long however considering how much it was oppos'd to private Interest and did not fall

at last it is suppos'd without a secret exertion of Ministerial Influence: The Measure is exhausted, but its effect may long remain. The true spirit of it has been a good deal diffus'd thro the Country and there, according to an observation of yours it flourishes in its native soil. There is a proposal here for forming a society for encouraging Manufactures, and at the same Time entring into agreement for discouraging the consumption of British Goods. — The misfortune of my great Friend Capt. Phillips<sup>1</sup> touches me not a little, who without the least warning is depriv'd of an agreeable Settlem't as he had good reason to suppose for Life, by the introduction of regular Troops into the Castle, without any appointm't to alleviate his loss. He is a worthy Man, and I heartily wish some Provision might be made for him. W't impression this Measure makes here, consider'd in a public view, you may easily conjecture. The Commissioners after contributing to this and some other Purposes, by their pretended Fears, and retiring to the Castle, tho no Insult or Injury was ever offer'd to the Persons or any thing belonging to them, in the Town of Boston. After spending their Summer in a situation that in the season was always agreeable to you, and f'm whence they have freely [*illegible*] and visited their Friends in the country, now talk of passing the winter here. If this were not too serious a Subject. Resum teneatis amici.

Novr 5. I had wrote thus far when I was told the vesel was gone. I have now to inform you that the House have chosen D<sup>r</sup> Franklin<sup>2</sup> for their own Agent for one year only. From the Influence of the councils and from various particular connections of their own they were much divided. Some of them have since told me, it was apprehended, that the Agency for the House alone, and with such limited Pow'r, as the House propos'd would not be acceptable to you. The following Week they chose D<sup>r</sup> Lee,<sup>3</sup> to act in case of D<sup>r</sup> Franklin's Sickness or Detention f'm Business: they have done little since they Sat, for the Time: and their Committee for representing Grievances have not yet reported — The Council were astonish'd at seeing an acc't of w't was said at the Board on the 6 March etc. printed in London attested by the Secretary on oath, and the Seal of the Province, which had been kept a profound Secret here, till it was read in the Pamphlet. The Gentlemen present upon that occasion, have given an account upon oath of w't was spoken, opposite it is said in some material circumstances [to] that of the Secretary. The affair was then consider'd by the whole Board, and the conduct of the Secretary was unanimously resolv'd a high Breach of *Trust* and Privilege, all wch tho not printed here is transmitted to the

<sup>1</sup> John Phillips. In 1772 he was restored to office, receiving the appointment of fort-major of Castle William.

<sup>2</sup> He succeeded Dennis De Berdt, who had been agent in England for the House since 1765. See Franklin's *Works* (ed. Sparks), VII. 493, note.

<sup>3</sup> Arthur Lee, brother of Richard Henry Lee, was successively physician and lawyer. He served in various diplomatic capacities in Europe, and on his return to America was chosen a delegate to the Continental Congress. He was a fellow of the Royal Society. See Sparks, *l. c.*, VIII. 57, note; and R. H. Lee's *Life of Arthur Lee*.

Council's Agent. This is another infamous specimen of the means employ'd ag't this hated and much abus'd Country. L<sup>d</sup> Dunmore<sup>1</sup> is arriv'd at N. York, and has 2000 £ sterl<sup>s</sup> out of the American Revenue commencing nine Months ago, from the Date of his commission.

I am Sir with respect and Affection

Yours Obedt.

To Gov. Pownall

X. SAMUEL COOPER TO THOMAS POWNALL.

BOSTON N. E. 2 Jan<sup>y</sup> 1771

*Dear Sir*

I wrote you in Octr and Novr of the state of our affairs here. We have a good cause, but I'm afraid it has not been conducted altogether to that advantage it might have been. I hope however a kind Providence will at length bring it to an happy Issue. Capt. Preston, and the Soldiers tried for the action of the 5<sup>th</sup> March, instead of meeting with an unfair or harsh Treatment, have had ev'ry advantage that c'd possibly be given them in a court of Justice. In the Dispositions of the Judges — the appointment of Jurors, — in the Zeal and ability of Lawyers,<sup>2</sup> — in the examination of Witnesses, and in the Length of the Trials unexampled I believe both in Britain and the Colonies in a Capital case, by w'ch the accused had the fairest opportunity several Days after the evidence for the Crown had been given in, to produce and arrange their own. These Trials must one w'd think wipe off the Imputation of our being so violent and Blood Thirsty a People as not to permit Law and Justice to take place on the side of unpopular Men, and I hope our Friends on your side the Water will make this kind improvem't of them — administration has a very favorable opportunity of adopting gentle Methods respecting the colonies.

The agreements of our Merchs are broken, and the grand objection of being threatned and drove ceases. The Hostile appearance in Europe may perhaps lead men of Influence to embrace such an opp<sup>y</sup> and they may think it politic to sever the affections as well as the submission of the People here. — I forgot in my last Letter to Mention my Friend M<sup>r</sup> Temple who is now in England and who I heard repeated speak of you with much Regard. He even appear'd to me to wish to do the King's Business in the most prudent and faithful Manner, and with the greatest ease and Satisfaction to the subject. I know He will highly value your Friendship. This will be deliver'd to you by the only son of our Friend M<sup>r</sup> Baudoin<sup>3</sup> a sensible modest young Gentleman, and of a sweet Disposition, who bids fair to support the Honor of his Family. He leaves

<sup>1</sup> John Murray, fourth Earl of Dunmore. In 1770 he was appointed governor of the colony of New York, to which was subsequently added that of Virginia.

<sup>2</sup> Captain Preston was defended by John Adams and Josiah Quincy, Jr., and was acquitted.

<sup>3</sup> James Bowdoin, only son of Governor Bowdoin, was graduated at Harvard College in 1771. He was subsequently appointed by Thomas Jefferson United States minister to the court of Spain.

his Studies at Cambridg, and takes this voyage chiefly on account of his Health, and would esteem himself greatly honor'd by any notice you should be pleas'd to take him.

I wrote you in my last on the Agency, and shall only say once for all, that I did all in my Pow'r for the sake of my Country to bring you into a share of that Trouble. I am D'r Sir with the greatest Respect, and the most faithful attachment

Your Obedt. Hum<sup>ble</sup> Serv't

S. COOPER

To Governor Pownall

XI. SAMUEL COOPER TO THOMAS POWNALL.

*Sir.*

BOSTON N. E. 23 Aug 71

I cannot let Commodore Gambier return to England without giving you my Thanks for Introducing [me] to the acquaintance of so agreeable a Gentleman and worthy officer. His behavior upon this station has been in ev'ry Respect just as you would wish. Ever attentive to the King's Service, He has enter'd into no Parties. He has treated with great Humanity and Politeness all who have had any Business to transact with him. He has befriended and oblig'd the Trade in ev'ry Point consistent with his Duty, as a Commander, and the order and Tranquility He has preserv'd in the Squadron and Town have been truly remarkable. I have heard the most judicious and experienc'd Gentlemen among us and those capable of making the longest Recollection affirm they never knew an equal Instance. Upon these Acc'ts his early and unexpected Departure is regretted, and he leaves Sentiments of Respect and Gratitude in the Breasts of all Parties. The Merchants have given him a public Testimony of such sentiments in their address, and the Town w'd have done the same, had it not been obstructed by some few, who tho't very injudiciously in my opinion that the Service c'd not be seperated f'm the Man, and that such a step must imply some kind of acquiescence in the stationing of a Fleet in this Port. From the same Quarter your Letters etc. were injudiciously treated, and your Interest for the Agency oppos'd because of your conceding the Rights of Parliament etc. Not to mention the unkind Treatment, which in this and several other Instances I have receiv'd from the same Persons. I w'd pride myself however in any thing of that kind that may occur to me from a Regard to the cause of Justice, Candor, and Friendship. I s'd tire you were I to enter into a Detail. Some Things I have mention'd to Commodore Gambier as your Friend. It gives me great satisfaction to reflect that I have ever endeavor'd to improve the Friendly communications you have been pleas'd to make me in these tempestuous Times to your Honor, and the Service of my Country, and that I have in no Instance forgot the Confidence with which you have honor'd me.

I am sir, with Gt. Esteem and Affection

Yours

To G. Pownall

S. C.

XII. SAMUEL COOPER TO THOMAS POWNALL.

BOSTON N. E. 14<sup>th</sup> Novr. 71.

*Dear Sir*

After writing you several Times without hearing from you, or knowing that you receiv'd my Letters, I wrote again by Commodore Gambier: since which I receiv'd a Duplicate of yours a long Time after it was dated, which came to me by the Southern Post: and a few days ago another came to me thro the same channel of July 26<sup>th</sup>.<sup>1</sup> I know not by w't Fatality our Letters have thus miscarried or have been delay'd. Those however now Mentioned Made me happy in the assurance of a Friendship and Correspondence from w'ch I have receiv'd great Pleasure and advantage.

It is not true as you have been inform'd that the Spirit of the assembly and of the People is totally alter'd, and that they w'd now gladly receive as a Favor, and ask and hope upon that Tenure w't they before claim'd as a Right. Such Representations tend only to deceive, and mislead Governm't. The Tone of the House, on ev'ry Point of Privilege is as firm as ever: and tho an high Ferment cannot be expected to continue long among the People and the irritation into w'ch they were thrown has abated, yet their inward sentiments are not alter'd, but by far the greater Part have a settled Persuasion that we are in a state of oppression that our most important Privileges are violated, that our Parliam't here ought to come between the Sovereign and the American Subject, just in the same Manner that the British Parliament does with respect to the British Subject, and that whatever takes place contrary to this is (at home an Infringement upon the Prorogative of our Sovereign, who has a right to govern his Dominions here uncontroll'd and even un-influenc'd by either House of Parliam't in Britain) and in America is the Meer effect of Pow'r and not the result of reason or [of] the Constitution. This is the Sentiment w'ch the late Disputes have at length produc'd, and w'ch by long attention to, and frequent Discussion of our Public Grievances does now generally prevail, there being few except those who are Influenc'd by Places and Pensions, and those who do not think at all, but what have adopted it. To convince you that I here give a true representation, and that the People, however tir'd they may seem of Complaining and Clamoring to no effect have yet at Bottom a sense of the Injuries their Rights have receiv'd, and are ready to express this sense as occasion may provoke them.

I will mention to you what has lately taken Place among us, w'ch tho it may seem small in itself, and of no great consequence, is sufficient to indicate the prevailing Temper. The Governor's Proclamation for an Annual Thanks<sup>s</sup>. was to have been read in our churches last Sunday, in w'ch among other things, we are call'd upon to give thanks to Heav'n for the *Continuance of our Privileges*. This was deem'd by the People an open Insult upon them, and a prophane Mockery of Heav'n. The general cry was, we have lost our Most essential Rights, and shall be com-

<sup>1</sup> Printed in Griffin, *L.c.*, 290.

manded to give Thanks for what does not exist. Our congregations applied to the several Ministers in Town praying it might not be read as usual, and declaring if we offer'd to do it, they w'd rise up and leave the Chh. And tho no little Pains was taken by the Governor's Friends to get over this Difficulty and to explain away the sense of the clause by saying all were agreed we had some Privileges left, and that no more was meant by the Public Act than such Privileges as we in Fact enjoy'd, all w'd not avail. Had the Ministers inclined it was not in their Pow'r to read it, a circumstance w'ch never before [took] Place among us. It was read only in Dr Pemberton's Church, of which the Governor is a Member. He did it with confusion, and Numbers turn'd their Backs upon him and left the Chh in great indignation. It was I believe thro want of attention, and an opportunity of consulting one another, read by a Majority of Ministers in the Country Parishes. One Association of the Clergy happening however to meet at the Time, agreed to reject it: and it has been read by few Ministers, if any who have not declar'd either their Sorrow for so doing, or that they read it as a public Act, without adopting the Sentiments: and that it is their intention on the appointed day, w'ch is next Thursday, to give Thanks for the Privileges we enjoy, and implore of the Almighty God the restoration of w't we have lost. It has been said that the Governor's intention in adopting this obnoxious Clause, w'ch tho formerly a customary clause, has been omitted ever since the Stamp Act was to convey an Idea to your side of the water, an Idea that the People were become Sensible that they were really free and happy. If this was his intention He was unlucky in the meanes, and I believe wishes from His Heart He had never made the experiment. I mention these circumstances so particularly in Confidence and because nothing has of late occur'd among us from which you may so well Judge of the Sentiments of the People. I had almost forgot to mention another Clause in the Proclamation w'ch respect[s] the *Increase of our Trade*, which under our present Embarrassments, and the enormous Extention of the Pow'r of Admiralty Courts, was almost as offensive as the other.

You cannot but observe Sir upon the whole how different the Sentiments of the People and the state of things among us are now from what they were when you govern'd us: and w't unhappy consequences the late Measures of Government have produc'd, what seed of contention are sow'd for future Times, when new events in Britain and America will arise. I shall take care to inform you of Things as they turn up, and am with great Esteem and Attachment

Your Obedt Hum<sup>ble</sup> Servt

To Governor Pownall.

S. COOPER.

XIII. SAMUEL COOPER TO THOMAS POWNALL.

Dear Sir

BOSTON 25<sup>th</sup> March 73.

The first and Second Paragraphs of the Letter to Dr Franklin of 15 March. 73.<sup>1</sup> transcribed and then proceed as follows.—

<sup>1</sup> The letter is printed in Sparks, VIII. 36. The opening paragraphs to which Dr. Cooper alludes, refer to his own health and the recent appointment of Lord Dartmouth as secretary of state for the colonies.



Whether the Governor will be thanked by administration for his Speech<sup>1</sup> at the opening of the last Session of the General Court you can best tell. It is certain he has gain'd nothing by it here. The Replies of both Houses are read with High Approbation in more Colonies than one; and the People are more confirm'd in their sentiments and encourag'd to maintain them. With all his connections and abilities He is not able to alter the sentiments of this People; and reconcile them to the Measures of Governm't; and the more openly and Strenuously He exerts himself, his Influence and ability to promote such a Purpose becomes the less. This is obvious from the Una[ni]mity of both Houses as well as the Towns. He was obliged, He publicly declares, by the Town of Boston to bring on such an open Discussion. But might he not have expres'd his Dislike of their Proceedings without putting both Houses to the Necessity of declaring as they have done, and giving up by their Silence upon such a Challenge, the cause of their country. It was precisely this situation that in a great measure led the council I imagine to go so far as they did, and bro't them to declare an agreement with the House in the main Principles.

The Governor having refus'd for some Time to pass the Grant for the Salary of the Judges for last year, tho't proper to sign it, upon which the House made another Grant for the year to come, which He did not allow; so that the Matter is not yet com[pleted?].

I have often recollected your predictions and Foresight in wishing and endeavoring for a settlement of these unhappy disputes several years ago. Time has verifi'd the Truth of what you then observed, that the longer this was delayed the more difficult it would become. Had a composition been early made, only by annihilating Inovations, and recuring to the old course, which Time and Practice had sanctified, a veneration for the Supreme Authority of Parliament would have been unavoidably left upon the minds of the People Sufficient to have Answer'd all the Purposes that a wise and moderate administration could desire, which the Influence of the Crown, from the great Pow'r reserved by Charter to its representatives would have secretly and gradually extended itself within this Province. But administration misled by artful and interested men here, negotiating for Salaries Perquisites and Pensions has kept up the Contention, and instead of diminishing has added to the Grievances complain'd of. By this Means, the Matter of Right, which if it had slept had been more safe, has been upon the anvill perpetually, both in private conversation and printed Discussion. The Subject has been attended to for a number of years by an inquisitive and sensible People; It has been turn'd round in ev'ry Circle and view'd on all sides. The Effect has been a thoro and almost universal Persuasion that for a People to pay Taxes and be govern'd by Law to w'ch they do not consent is

<sup>1</sup>“Upon the convening of the General Assembly, the governor opened it with a long speech in defence of the absolute supremacy of Parliament over the colonies, inviting both Houses to offer what they had to object against this principle.” From the same letter, *L. c.*, 37.

*absolute Slavery*; consequently, the British Parliament, according to Burlamaqui's<sup>1</sup> Distinction, whatever *external Obligation* it may retain among us, has lost the internal Obligation. The servants of the Crown ought to have foreseen this; and guarded ag'st it, instead of wch, while it has been growing up before their eyes, they have done evry Thing if not intentionally, yet in true Tendency to promote it. There has been a surprizing coincidence of Measure and events to such an Effect: and I should have tho't at the Time you left us, the revolution I now see in the Sentiments and Hearts of the People next to impossible. You know what has been — I write what is, without pretending to [predict?] what will be, only that I shall ever remain, with great esteem and affection yours, Obliged and Most Obedt hum<sup>ble</sup> Servt

S. C.

I write in Confidence as I have ever done.  
To Governor Pownall.

## XIV. SAMUEL COOPER TO THOMAS POWNALL.

BOSTON 17 Aug 1774

*Dear Sir*

My Retirement into the Country this Spring and Summer must be my apology for no sooner answering your last Favor.<sup>2</sup> Y'r Advice is sound and good to preserve a Moderate and pacific Spirit, but under our peculiar circumstances accumulated Grievances ha[r]d to be practis'd. The Act for blockading the Port of Boston has been executed beyond the Rigor of the Act itself. The Fuel and Victuals are allow'd by it to be bro't us by water. would you believe that our coasters with wood have been not only obliged to stop at Salem for a Clearance, but totally to unload and reload in the way hither: and 240 Quintals sent by our Kind Friends at Marblehead to the distressed poor of this place were not allow'd to be water born not even over Charlestown Ferry, but transported round the country thro Roxbury in Waggon; and yet these are Facts on w'ch you may rely.

We have now a Vice Admiral<sup>3</sup> and a Fleet in our Harbor, totally shutting up not only the entrance at the Light House, but 12 or 13 small Ports within that Point, such as Hingham, Weymouth etc., and allowing no Intercommunication between any of them. How much this affects the whole Province, the other Provinces, and what effect it must have on the Trade of Britain, you may easily judg. Even Salem severely feels the want of the Port for the Sale of their Cargoes etc. Lord North's Coasters, as the common people call the Trucks and Waggon carrying Goods between us and that Port, are constantly met on the Road, sometimes to the amount of 40 or 50 in a day. We have 4 Regiments encamp'd on the Common with a large train of Artillery: one on Fort

<sup>1</sup> Jean Jacques Burlamaqui, the eminent Swiss publicist, author of *Principes du Droit Naturel*, Geneva, 1747, and *Principes du Droit Politique*, Geneva, 1751.

<sup>2</sup> Printed in Griffin, *l. c.*, 299.

<sup>3</sup> Samuel Graves, afterwards admiral, commander-in-chief on the North American station. In 1776 he was superseded.

hill: one at the castle, another lately arriv'd f'm N. Scotia is station'd at Salem. The People endure all with an astonishing Calmness and Resolution; neither dismay'd nor tumultuous; supported and encourag'd by the Sympathy and generous Presents from all Quarters of the Country and from our Sister Colonies. These Presents are distributed by a Committee for employing the poor as the reward of Labor. Our Streets are paving public Works in Projection, and ships to be built and sold as a circulating Stock. How long this scene will last, God only knows. Our cause is regarded as a common one by all the Colonies. The most distant, the Carolinas and Virginia seem the most ardent. Our Delegates with those of N. Hampshire sat out a few days ago for the Congress to be held at Philadelphia 1<sup>st</sup> Septr. All the Colonies f'm Carolina to N. Hampshire will be represented there. All eyes are turn'd towards that important Assembly; and its Decision will [come] with great Weight.

The long expected Bills for vacating the the<sup>1</sup> Charter etc. arriv'd about 10 days ago. I will make no reflections upon them. A number have refus'd to qualify as Councillors. Whether they will change their minds Time will discover. Among these are Capt Erving, Danforth, Russell, Noyes, Vassal, Green, and others. I can hear at present of not more than 12 that have taken the Oath. But a number live at a Distance, and have not yet had an opportunity of discovering their Inclination. Col. Hancock is dismissed f'm his Command of the Cadets upon w'ch the Company sent their Colors to the Governor and dissolv'd.

I make no Conjectures of Futurity. We are in a critical Situation and must wait the event. Perhaps America may yet be sav'd: Heaven grant it

I am etc. yours

S. COOPER.<sup>2</sup>

To Govr. Pownall

XV. SAMUEL COOPER TO THOMAS POWNALL.

BOSTON N. ENGLAND. 28. March 1777

*Sir,*

Believing it would not be disagreeable to you, to hear I am well, and have still a respectful and affectionate Remembrance of you, after a long Intermission of writing to England, I embrace this opportunity of sending you a Line, returning you my Thanks for your last Letter, and the Book that accompanied it, tho upon the Subject of both present circumstances will not allow me to say a Word.

If this short acknowledgment ever comes to you it will be delivered by Mr Hixon, a Native of Montserrat, and whose Estate lies in that Island — He was bound on a Plan of Business to London, by the way of

<sup>1</sup> *Sic.*

<sup>2</sup> A letter from Cooper to Pownall (King's MSS. 203), dated Boston, 9 September 1774, is here omitted, being a duplicate of one of the same date sent to Franklin, and printed in Sparks, *l. c.*, VIII. 132.

Cork, and taken by an American Vessel of War, and brought to this Port, where he has resided ever since last October: In the mean Time he has married my only Daughter and Child. I should not have consented to this Alliance had I not found good Reason to esteem him a Gentleman of Probity and Worth. Your advice, in any Circumstance in which he may need it will particularly oblige me: He can give you a general account of the present Situation of Affairs in America. It will give me great Pleasure to hear of your Welfare. May Heaven grant you all good Things!

I am Sir, with much Esteem,

Your obedient hum<sup>l</sup> Servant

Governor Pownall.

S. C.

## REVIEWS OF BOOKS

*The Oldest Civilization of Greece.* By H. R. HALL. (London : David Nutt ; Philadelphia : Lippincott. 1901. Pp. xxxv, 346.)

THIS is a series of "Studies of the Mycenæan Age," expanded from the notes of a scholar who as assistant in the British Museum has had exceptional control of the literature and monuments pertaining to the "Mycenæan Question." It is intended to be of use "both to the scientific archæological student and to the layman who interests himself in the most fascinating search which ever yet allured the seeker after forgotten history — the search for the origins of Greek civilization." It is not a comprehensive manual, but presupposes familiarity with Perrot and Chipiez's *Histoire de l'Art*, Schuchhardt's *Schliemann's Excavations*, and Tsountas and Manatt's *Mycenæan Age*. It has seventy-five carefully selected and well-executed illustrations, some twenty of which are new.

The text forms an admirable guide, either for the tyro or the specialist somewhat bewildered by the mass of his evidences, through the mazes of this difficult subject. In the purely archæological parts of the book the author is fully alive to the uncertainty of much of the evidence adduced, and does not press conclusions beyond the tentative stage. In the vexed and vexing questions of ethnography he is fairly conservative, but without bigotry. There are "Aryans" still, but the Hellenes are not pure Aryans, any more than the Chaldæans were pure Semites. And the "Pelasgians" are neither the "be all and the end all" in Mycenæan origins, as Professor Ridgeway would have us think, nor the myth of Eduard Meyer.

Mr. Hall's general conclusions may perhaps be summed up very briefly as follows: Greek civilization was as far removed as possible from being *sui generis*, since the Ægean basin was the natural meeting place for Eastern and Western influences. But the "Mycenæan" civilization was Greek in origin and general character, in spite of strong Oriental influences. It was "chiefly identified" with the Achæan Hellenes, though there were "Mycenæan" peoples who were not Achæan, or even Greek. The beginnings of the "Mycenæan" culture were probably præ-Achæan, or "Pelasgic." But towards the end of the third millennium B. C., the various tribes of "Pelasgians" were slowly reduced to the position of a subject race by Hellenic tribes from the north. A mixed race resulted, and a remarkable increment in culture; whereas the later and similar incursion of Hellenes from the north which we call the "Dorian invasion" was followed by a sudden decline in culture.

"All the præ-Hellenic tribes of Asia Minor, the Ægean, and Greece proper seem to have belonged to a single un-Aryan race" (p. 101), and to this race the "Pelasgians" are to be assigned. Indeed, for lack of a better term to connote this dark-haired, dolichocephalous race of the Ægean basin, Mr. Hall would prefer "Pelasgian" to "Iberian" or "Mediterranean." Toward such a conclusion as this many a bewildered student of Greek origins must have been slowly making his uncertain way, and he has been helped forward on that way by the very errors of Professor Ridgeway's somewhat erratic book.

The earlier period of the "Mycenæan Age," when Crete was the center of culture and power, is probably præ-Aryan, or "Pelasgian"; in the later period, when Argolis was the center of culture and power, the Aryan invaders from the north had assumed control. But of course this must be merely our working hypothesis until further light from the Cretan excavations modifies or confirms it.

B. PERRIN.

*Mediæval and Modern History.* By P. V. N. MYERS. Part I., The Middle Ages. (Boston: Ginn and Co. 1902. Pp. x, 454.)

THIS is a very thorough revision of Myers's *Mediæval and Modern History*, Part I., which appeared some sixteen years ago. Much of the text has been rewritten, and while the actual increase in length has not been great, valuable changes in emphasis have been made, errors corrected, and important material added; lists of references have been appended to the chapters; the sections have been numbered and numerous cross-references inserted.

The general impression gained from a comparison of the two books is that the author's knowledge of some important portions of his subject has increased considerably in the interval, while he displays throughout a somewhat more critical and scholarly spirit. In the present work, as in the former, he is strongest where he is dealing with the purely narrative and the cultural sides of history and weakest in whatever has to do with the origin and development of institutions. The best thing in the present work is the chapter on the Renaissance with its appended bibliography; most of it is new and in its fullness is a trifle out of proportion to the rest of the work. For a very brief account of the Renaissance it is one of the best to be found. On the other hand such statements as the following are certainly either very misleading or positively wrong: that the Germans' love of political freedom led them to "set up" feudalism in all the countries of which they took possession (p. 9); that modern parliaments are probably derived "from the general assemblies of the free Teutonic warriors" (pp. 9-10); that the transition from private vengeance to public authority was made when we first know the Germans (p. 67); that the "germs of feudalism" lay in Charlemagne's governmental system (p. 126); while in English history the author speaks of the Salisbury oath as an entire innovation (p. 195), the impression is certainly given that the principle of no taxation without representation is in



Article 12 of Magna Charta, and that knights and burghers sat together in Parliament after 1265 (p. 369, note 3 and p. 371), and English feudalism is given its death-blow in the Wars of the Roses (p. 178, note 10).

The bibliographies at the ends of the chapters are for the most part excellently adapted to the purposes of the book, and the comment is enlightening and useful. A few of them are too long, however, some works being included, it would seem, rather on the general reputation of the authors than on the consideration of their usefulness in this particular place and to this class of readers, *e. g.*, Palgrave's *History of Normandy and England* (p. 201); and occasionally a little too much deference is paid to traditional standard authorities. It is remarkable that a book of such great value as Emerton's *Mediæval Europe* is mentioned but twice, and then with no special emphasis.

It is perhaps unnecessary to add what is so well known of the author, that his style is very clear and vigorous, or on the other hand that he is prone to give his young readers most of the old catchy stories and sayings that historical criticism has spared and even some few that it has not. His new chapter on the universities and the schoolmen is a valuable and attractive addition; there is some confusion, however, in his use of the term scholasticism; in one place it is regarded as a method and style of thinking that may appear at any time, in another it is applied to all intellectual activity of whatever sort during a certain period. The book as a whole is interesting and very usable, and while it lacks throughout thoroughly scholarly caution and precision of statement, the author has attained a strong grasp of the period in its broader aspects, and his work has some very substantial and individual merits.

A. B. WHITE.

*Tribal Custom in Anglo-Saxon Law.* By FREDERICK SEEBOHM, LL.D., F.S.A. (London and New York: Longmans, Green and Co. 1902. Pp. xvi, 538.)

THE question of the structure of Anglo-Saxon society, which he long ago approached from the point of view of the manorial system, Mr. Seebohm in this volume approaches from the point of view of tribal custom. Believing that heretofore Anglo-Saxon institutions have been studied in too great isolation, he devotes more than half his work to a brief restatement of the conclusions reached in his *Tribal System in Wales*, and to a more detailed examination, in the light of the Cymric evidence, of the laws of the Irish, of the Burgundians and Visigoths, of the Franks, of the tribes conquered by the Merovingians and by Charlemagne, and of the Norse. When among all these tribes, except those upon whom Roman influences have been especially strong, he finds certain customs existing, he believes that it is not unreasonable to look for traces of these same customs in the laws of the Anglo-Saxons.

The study of tribal custom becomes in large part the study of the wergeld because the payment of the wergeld involved the principle of the solidarity of the kindred, "the strongest instinct which every-

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where moulded tribal society." Of this solidarity of the kindred in the matter of the wergeld (of the right, that is to say, of the slayer to call upon his kindred to the fourth or even a more remote generation to aid him in the payment, and the corresponding right of the kindred of the slain to share in the receipt) Mr. Seebohm finds abundant evidence for most of the tribes. He finds, too, that, as in the Cymric group, so among the Norse and elsewhere, joint responsibility of the kin for the wergeld necessitated solidarity of the kin in landholding. For unless everyone in the kin had his "recognized tribal rights in land, unless he were possessed of cattle and rights of grazing for their maintenance, how could he pay his quota of cattle . . . to the wergeld?" The preservation of the family group and the family holding became, therefore, the most important question of tribal society. In *Beowulf*, as Mr. Seebohm shows in a short commentary on that poem, on the failure of male heirs the sister's son is called, even from the chieftainship of his paternal kindred, to maintain the kindred of his mother. Again, the Salian Franks settling between the Loire and the Garonne, were obliged to adopt a somewhat similar remedy in order to counteract the disintegrating influences of their Gallo-Roman neighbors. When there was danger among them of the lapse of *terra Salica*, between which and folkland as defined by Professor Vinogradoff Mr. Seebohm draws an interesting parallel, it was made possible for a woman to succeed to the alod, "the whole bundle of rights and possessions," real and personal, which passed by inheritance. So strong was the principle of the solidarity of the kindred that the church, even while striving to break down tribal customs in the interest of the Roman ideas of individual responsibility for crime and individual ownership of land, was forced in a number of cases to apply the wergeld system to her own ecclesiastical hierarchy.

Of even greater interest than the study of the solidarity of the kindred is Mr. Seebohm's use of the wergeld as an index to the ranks and gradations of tribal society. By a searching examination of the currencies in which wergelds are stated, an examination not always easy to follow, he finds the normal wergeld of the typical freeman of western Europe to be the equivalent in money of a "hundred head of cattle," following in this Professor Ridgway's suggestion that the ox was the equivalent of the gold stater. He finds, too, that the amount of their wergeld throws much light on the condition of the classes below the freemen, the Gallo-Romans, for example, whose wergeld was only half that of the Frank, the freedmen, or "the tribesmen in low position." It is upon these semidependent classes that Mr. Seebohm lays most stress, showing that the real explanation of their lack of freedom lies in the fact that they have not a perfect kin to swear for them or be responsible for their wergeld, and that they cannot attain to a full wergeld until they hold land and can point to four or more generations of landholding kin back of them.

The discussion of these customs of other tribes has not only much interest in itself but it also serves to suggest the lines Mr. Seebohm is to follow in his treatment of the Anglo-Saxon evidence and makes one

impatient to reach the later chapters of the work. Proceeding by his usual method, from the known to the unknown, Mr. Seeböhm discusses the Anglo-Saxon laws from the Norman point of view, as seen in the so-called Laws of Henry I.; from the Danish point of view, as seen in the Institutes of London—of Cnut's reign, Mr. Seeböhm thinks—, the fragment regarding grith and mund, and the Frith of 993; from the Northmen's point of view, as seen especially in Alfred and Guthrum's peace; from the Anglo-Saxon point of view, as seen in King Alfred's and King Ine's laws and the more Romanized laws of the Kentish kings. This method enables him easily to study Anglo-Saxon conditions in the light of continental evidence. From the prominence of wergeld in the Anglo-Saxon laws and the occurrence of "hints" as to other tribal customs not unlike the continental he argues that even down to the time of the Norman Conquest there was a strong tribal element in Anglo-Saxon life. It is impossible here to do more than state briefly some of his chief conclusions.

By a study of the procedure in the payment of the wergeld; by the definition of "manbot" as the payment to the lord of the man slain, and of "fightwite" as the payment to the lord on whose land the slaying takes place; and by a comparison of the evidence regarding grith and mund with the statements in the laws of other tribes with regard to the sanctity of the precinct, he seeks to show that the principle underlying sac and soc—terms coming in with the Danes, he thinks,—goes far back of Cnut's writ to the earliest tribal custom. In line with this statement are his conclusions regarding the division of classes among the Anglo-Saxons. Back from the so-called Laws of Henry I. to the laws of Alfred, with a single recognition of it in the laws of Ine, Mr. Seeböhm finds a division of society into twelve-hyndemen and twy-hyndemen. The twelve-hyndeman is defined as the man with a full kindred of twelve hyndens of oath helpers, whose joint oath is valued at 120 hides; the twy-hyndeman is the man with only two hyndens of oath helpers, whose kindred, that is to say, is incomplete. By identifying the wergeld of the twelve-hyndeman with the ancient Wessex wergeld of the ordinary freeman and by showing that this is the wergeld of the Englishman who is put on an equality with the Norse freeman in Alfred and Guthrum's peace, and may be related directly with the typical wergeld of a "hundred head of cattle," Mr. Seeböhm endeavors to show that the twelve-hyndeman, or thane, is the typical Anglo-Saxon freeman; and that the twy-hyndeman, whose wergeld is one-sixth of the twelve-hyndeman's, is the "ceorl who sits on gafol land," put on an equality for the wergeld in Alfred and Guthrum's peace with the Danish "leysing," or freedman. That all ceorls are ceorls sitting on gafol-land Mr. Seeböhm finds nothing in Alfred's laws to disprove; more than this, by an argument which does not seem to be conclusive, based in part on passages in which the fine for breaking the ceorl's precinct is stated to be one-sixth that for breaking the twelve-hyndeman's, he decides not only that the ceorlisc and twy-hynde classes are for general purposes "convertible terms," but

also that both were gafol-geldas, and that "by Alfred's time the chief practical division of classes had already resolved itself into that between the landed classes on one hand and their gafol-paying tenants on the other." The six-hynde class, the strangers in blood, Mr. Seebohm suggests, whose wergeld, like that of the Gallo-Roman, is fixed at half the freeman's, is "a rung in the ladder" by which the dependent classes once climbed into the possession of land and kindred, a rung which later dropped out.

Back of Alfred, Mr. Seebohm finds that the division into twelve-hynde and twy-hynde men practically disappears and a new division into gesithcund and ceorlisc men becomes prominent. These earlier and later divisions, however, he believes come to mean practically the same thing. From the value of the gesithcundman's oath, from King Ine's law regarding the 10 hides "to foster," and from the relation of the gesithcundman to the king, the interesting conclusion is drawn, but not proved, that the gesithcundman may have been given a ten-hide unit of land from which he was to pay the king's gafol, that is, the *firma unius noctis*, making for this purpose a part of his land gesetland held by gafol-payers in much the same position towards him that he is in towards the king. This dependence of one class upon another is not the result of degradation, but may be explained by the conditions of the original conquest. Thus proceeding along tribal lines alone, Mr. Seebohm would find early in English history something very like Professor Maitland's technical definition of a manor. The "free lordless villages" of Professor Maitland, which are, of course, a stumbling-block in the way of such early and wholesale manorialization, are ascribed to Danish influences.

However far one can go with Mr. Seebohm in some of these conclusions, — and he himself admits that approaching "a subject which has many sides from one side only necessarily results in the restatement rather than the solution of some problems" — it must be agreed that he has succeeded in elucidating some of the dark passages in Anglo-Saxon law, in giving new and very interesting meaning to many terms in that law, and in establishing his point that tribal custom must not be disregarded as one factor in Anglo-Saxon economic development.

N. NEILSON.

*L'Empire Carolingien: ses Origines et ses Transformations.* Par ARTHUR KLEINCLAUSZ. (Paris: Hachette. 1902. Pp. xvi, 611.)

*Quomodo Primi Duces Capetianæ Stirpis Burgundiæ Res gesserint, 1032-1162.* Thesim Facultati Litterarum Parisiensi proponebat A. KLEINCLAUSZ. (Dijon: Barbier-Marillier. 1902. Pp. viii, 116.)

It is doubtless to the French custom of requiring for the doctorate two theses, one in Latin and one in the vernacular, that we owe the simultaneous appearance of these two works. That this does not argue the youth of their author need not be pointed out to any who know what

goes to the making of a French thesis and how many of the maturest products of French scholarship have thus seen the light. Dr. Kleinclausz, for some years a *Chargé de Cours* at the University of Dijon, is even on this side of the Atlantic already known by name as the scholar to whom, with Professor Bayet, has been assigned the Meroving-Caroling portion of the magistral co-operative history of France now appearing under the editorship of Lavissee.

That even a French *doctorandus*, however, should in this day of specialization attack such a theme as the Carolingian Empire is a notable thing. True, Mr. Bryce's *Holy Roman Empire* was originally but an Oxford prize essay; but there have not been wanting those who have cited precisely this classic of Mr. Bryce as the sort of thing we might never hope for again from the universities. M. Kleinclausz has undertaken — he has even borrowed Mr. Bryce's words to state his purpose — to do for the Carolingian Empire what Mr. Bryce has done for the Empire as a whole. If his task is narrower, it is yet vast; and to a much larger degree it rests on first-hand research; for the Carolingian Empire, as such, has thus far lacked a monograph. Even the noble study of Döllinger, to which all later scholars (and not least M. Kleinclausz) owe so much, breaks off its narrative with the crowning of Charles the Great; what further interests it is only the survival of that event in the tradition of the Germanic Empire.

To the origins of the medieval Empire, from the fall of Rome to the coronation of Charles, M. Kleinclausz, too, gives much space — a third of his book; and if in this much-worked field he has given us nothing new, he has shown everywhere a sane and independent judgment. Even those of us who are still fain, with Döllinger, to attribute the Donation of Constantine to an earlier day than Pope Hadrian's, or who are ready, with Einhard and with Hauck, to believe the great Frank an unwilling emperor, must admit the fairness with which his lucid narrative, while accepting views now more current, leaves room for free interpretation. He maintains, indeed, that the Carolingian Empire was the creation less of men than of circumstances; and not Hauck himself has so clearly shown how slow was Charles to take up the new function, or how essentially ecclesiastical he counted it.

But to M. Kleinclausz all this is introduction. The heart of his book is the story of that neglected century following the death of Charles, to which Mr. Bryce, even in his latest edition, gives less than three pages. To show that throughout this period the idea of the empire remained potent, — that the struggle of great statesmen to realize and maintain it explains the tangled politics of the reign of Louis the Pious, — that even after the partition of Verdun had dealt it a death-blow the "*régime de la concorde*" inherited the moral ideals of the older "*système de l'unité*," — that the princes who still grasped at the imperial title — a Louis II., a Charles the Bald, a Charles the Fat — were men of sounder abilities and loftier aims than is commonly supposed, — that even when its effective territory had shrunk to the mere realm of Italy and less the

Empire still lived its larger life in European thought, and had not faded from the dreams of men before the Ottos gave it new reality: this is his central theme. Suggestion he owes to Himly and to Lapôtre, and much of pioneer work to those German scholars whose views it gives him so keen a satisfaction to oppose; but the results of his own research are large and fresh and important. One important document accepted by earlier scholars — the letter of Louis II. to the Greek Emperor Basil — he rejects as a forgery; and a chapter is devoted to proving it so. Its inspirer, thinks M. Kleinclausz, was Pope John VIII. himself, its probable author the librarian Anastasius, its true date the year 879.

The Latin thesis of Dr. Kleinclausz is a less ambitious essay. The first five Capetian Dukes of Burgundy have been sadly eclipsed by their more self-willed and aggressive successors; but from the scanty records left us M. Kleinclausz is able to show how it was their tact, their loyalty, their piety, their patience under royal assumption and feudal turbulence, that made possible under changed conditions the duchy's later prominence. These showings in no wise contravene, but happily supplement the results of such other modern workers in Burgundian history as Petit and Seignobos.

GEORGE L. BURR.

*The Growth and Decline of the French Monarchy.* By JAMES MACKINNON, Ph.D. (London: Longmans, Green and Co. 1902. xx, 840.)

DR. MACKINNON tells us that his book "has grown out of a desire to investigate the origins of the French Revolution." Since these "causes were indirect as well as direct, remote as well as immediate," he found it necessary to review "the history of monarchic France from the Middle Ages onward." But becoming "engrossed" in his subject he studied it "apart from its direct bearing on the Revolution." Looking "at each successive reign from the standpoint of its effects on its period rather than on the future" and regarding the growth of the monarchy as "a process of evolution," he has written "as much a succinct history of the French people as of the French kings." Unfortunately, however, in working out this rather ambitious and inclusive plan he has fallen into several grievous errors.

In his desire to wear a new path through an old field he has been too negligent of critical monographic writing. He has therefore, in view of the pretentious character of his work, incorporated into the details of his narrative an inexcusably large number of mistakes: *e. g.*, the unqualified statement (p. 23) that Colonna subjected Boniface to personal violence; (p. 25 ff.) the prominence given to the Salic law in determining the succession from Philip V. to Philip VI.; (p. 31) Charles of Evreux could have no "prior claim" over Edward as the nearest male descendant of Philip IV., — Charles, by the way, was not born till 1332; (p. 38) the Hundred Years' War was much more than "a mere genealogical contention," and at least part of the blame for it (p. 85) must



be laid on others than the English King; (p. 116) the assembly which Louis XII. consulted concerning the marriage of his daughter was not a "States-General" in the strict meaning of that term; (p. 652) the "complimentary, nay, even affectionate epistles" from Maria Theresa to Madame de Pompadour have been discredited.

In the second place Dr. Mackinnon is unfortunate in his point of view. He interprets everything too much from the vantage-ground of achieved fact, and hears in almost every disturbance in French history the early rumblings of the Revolution. He is, moreover, too intensely modern (p. 347) to enter sympathetically into the spirit of the times he is attempting to portray: *e. g.*, (p. 58) he cannot conceal his disgust at the "mad fourteenth century," that age of the "fighting maniac"; and (p. 111) he is far less just than Adams in his comments on Charles VIII. and his Italian venture. His "grand test of the value of any government is contained in the question, What did it do for the people?" As a modern standard this will do, but to push it back into the period when monarchy was fighting for its life against feudalism, or to make it the only standard before France attained to some small sense of nationality must necessarily result in perversion of judgment and undue harshness in estimating men and events.

To insist too strenuously that the structure of government is of minor importance "compared with the question whether its acts affected France, for the time being, for good or evil," is to run the danger of losing the idea of "evolution" for that of mere chronicle. This is apparent, for example, in the chapter on the Capetians, which one could read and not easily discover what has been called the "debt of gratitude" which France owes to this line of kings, or see, as Funck-Brentano points out, that this dynasty was not so much a self-creation as the product of the conditions which then prevailed.

In striving to maintain the "dramatic" style of his *Edward III.*, Dr. Mackinnon often falls into exaggeration and overstatement; but this is more easily condoned than the vulgarity which too frequently appears: *e. g.*, (p. 77) "the priest gets drunk . . . abducts by night some hussy of a nun to his presbytery"; (p. 204) Catherine de Medici is described as "the worthy dam of such a brood as Charles IX. and Henry III."; (p. 594 ff.) the chapter on Louis XV. and his mistresses could undergo a thorough expurgation and yet convey an adequate idea of the influence of the King's secret sins and public debaucheries on the undoing of the monarchy.

The book as a whole is of the nature of a philippic against absolute monarchy, that "colossal system of usurpation and egotism" (p. 108) whose chief advocate, in setting forth his claims (p. 347), is guilty of the most "arrogant nonsense." But in view of all that has been written on French history it seems hardly necessary to compile eight hundred and fifteen pages before daring to "hazard a definition" of the Revolution as "a reaction against misgovernment, the misgovernment of a long series of absolute kings."

WALTER IRENAEUS LOWE.

*Geschichte Belgiens.* Von HENRI PIRENNE. Uebersetzung der französischen Manuscripte von FRITZ ARNHEIM. Band II. Bis zum Tode Karls des Kühnes (1477). (Gotha: Perthes. 1902. Pp. xxviii, 594.)

AN author obliged to submit to the disadvantage of having his work appear in a foreign tongue before it is known in the original is greatly to be congratulated that a translation is as satisfactory as this of the second volume of Pirenne's history of Belgium, which like the first is published in a German setting made from the French manuscript. In this shape it forms the thirtieth work in the great series entitled *Geschichte der europäischen Staaten* edited by Heeren, Akert, von Giesebrecht, and Lamprecht. Now that the first volume is out in French it is possible to compare Pirenne's style with Arnheim's rendering of his substance. Naturally the balance is in favor of the former. There is a vivacity, a fluency, a lightness of touch in that, lost or overshadowed in the heavier German. But it must be conceded that the difficult task is well done and that the translator has been faithful without showing too great servility in using verbal equivalents where in German the thought naturally fell into other terms. This is fortunate for the author's reputation, because it is probable that the series will carry the translation with it into many quarters where the isolated *Histoire de Belgique* will not penetrate.

Volume II. opens with a study of the political situation in the Netherlands just before the outbreak of the Hundred Years' War (1337) and ends with an exposition of political and social conditions after the death of Charles the Bold. The treatment is somewhat less original than that of the matter discussed in Volume I., when Pirenne wished to urge a definite thesis and to trace his own theories of the essential unity in the development of the southern Netherland province as the meeting ground of Gallic and Teutonic civilization. Belgium was, in his opinion, a "microcosm" of western Europe, wherein could be observed the web of French and German influence. His manner of defending this thesis has brought upon him the charge of being too Flemish in his sympathies. Funck-Brentano sighs for a competent Walloon to combat Pirenne's assertion of Flemish preponderance in the making of the new nation. Again it is said that he underestimates the influence of the Church. But, in the main, critics and fellow-scholars have applauded his conclusions, and thought that he has skilfully deduced the essential history of Belgium as existent apart from Germany and France and shown that the little land has not been the plaything of chance in its growth. In this later period there is less to be argued, and controversy plays a slighter part, though the one theme of the growth of the national germ is constantly kept in view.

Owing to the impossibility of comprehending the rise of the Burgundian states without a knowledge of the political and diplomatic events accompanying its growth, the author has given more space to political history than in his early chapters. In a portion of this chronicle he has

availed himself of the work of other authors, such as the delightful *Le Siècle des Artevelles* of Vanderkindere and the *Essai sur le Rôle Politique et Social des Ducs de Bourgogne dans les Pays-Bas* of Paul Frederique, while he touches but lightly on the story of the northern provinces of the Netherlands, leaving that to his Holland colleague, Professor Blok. It is, however, just this political story, necessarily a condensed narrative, that makes this volume less individual in its effect than its predecessor. Condensed history is always hard reading, and it would be easier to take each section in an elaborated form as indicated by the references.

But in a chapter like that on the city in the fourteenth century Pirenne is at his best. In her municipal evolution, as in other processes of development, he regards Belgium as the experiment field for Europe, and his interest is therefore apart from local considerations. His own studies on various phases of this subject have been detailed, as can be seen in such articles of his as "L'Origine des Constitutions Urbaines, au Moyen Âge," "La Hanse Flamande de Londres," and others, and he must command a hearing even if all his conclusions be not accepted, as for instance, the municipal origin in the merchant community.

The exclusion of all details of purely local importance gives direct force to the argument, but also paints the text with a somber tint. In sum, it may be said that the best gift offered by the Ghent professor is bibliographical. This volume has a peculiar value as a splendid pathfinder to various phases of the fourteenth and fifteenth centuries as they can be seen in the Netherlands. With this and his new edition of the *Bibliographie de l'Histoire de Belgique* Pirenne has rendered great service to students.

RUTH PUTNAM.

*La Lettre et La Carte de Toscanelli sur la Route des Indes par l'Ouest.* Addressées en 1474 au Portugais Fernam Martins et Transmise plus tard à Christophe Colomb. Étude Critique sur l'Authenticité et la Valeur de ces Documents et sur les Sources des Idées Cosmographiques de Colomb suivie des Divers Textes de la Lettre de 1474 avec Traductions, Annotations et Fac-similé. Par HENRY VIGNAUD, Premier Secrétaire de l'Ambassade des Etats-Unis, Vice-Président de la Société des Americanistes de Paris, etc. (Paris: Ernest Leroux, Editeur. 1901. Pp. xxvi, 319.)

*Toscanelli and Columbus:* (Then follows as sub-title a translation of the above). (New York: E. P. Dutton and Co.; London: Sands and Co. 1902. Pp. xix, 365.)

*La Solution de Tous Les Problèmes Relatifs à Christophe Colomb et, en Particulier, de celui des Origines ou des Prétendus Inspérateurs de la Découverte du Nouveau Monde.* Par M. GONZALEZ DE LA ROSA, Membre de la Société des Americanistes de

Paris, Ancien Professeur de l'Université de Lima, etc. [Mémoire extrait du Compte rendu du Congrès International des Américanistes, tenu en Septembre 1900.] (Paris: Ernest Leroux. 1902. Pp. 22.)

A LITTLE over thirty years ago Mr. Henry Harrisse challenged the authenticity of Ferdinand Columbus's *Life of Christopher Columbus*, which a generation earlier Irving had pronounced "the corner stone" of American history. Mr. Harrisse's startling skepticism led to a protracted controversy which is not yet closed. Even more startling and equally unsettling in its possible effects upon the accepted history of the discovery of America is the recent impeachment of the authenticity of the Toscanelli letters, upon the basis of which D'Avezac in 1871 pronounced Toscanelli "the initiator of the discovery of America."

Inasmuch as the elevation of Toscanelli to this pre-eminence is distinctly the product of modern critical scholarship, for it dates from Humboldt and is not a long-standing tradition of uncertain origin, or merely the assertion of a preface and a title-page of a translation of a lost original, the contention of Señor de la Rosa and of Mr. Vignaud at first sight seems far more improbable and much less likely to be established than was the case with Mr. Harrisse's attack on the *Historie* in 1871. The discrediting of the Toscanelli letters originated with Señor de la Rosa, formerly a professor in the University of Lima, but for the last ten years engaged in critical studies relating to Columbus. He published his conviction in 1899 "that the pretended correspondence of Columbus with astronomers played no part in the discovery of America." In 1900 he read the paper, whose title is given above, before the International Congress of Americanists. Before this he had convinced Mr. Vignaud, who had been long engaged in the study of the early Portuguese voyages, that the reasons for rejecting the Toscanelli letters were valid, and Mr. Vignaud had begun a special investigation of the subject, the results of which he presented at the same Congress. Señor de la Rosa, not being ready to publish, placed at his disposal a good deal of material, and in the course of his studies and in writing the book Mr. Vignaud developed many arguments of his own and arrived at conclusions divergent in important respects from those of Señor de la Rosa. The exact relation between the two critics is clearly stated in the dedicatory letter and preface to the French edition of Mr. Vignaud's book. So far as I know, Señor de la Rosa has not published anything later than his paper of two years ago. During the last year, however, Mr. Vignaud has prepared an English edition of his work with revisions and considerable additions and also replies to several of his reviewers.

The question at issue is so complicated that in the space available for this review it will be possible only to outline the most important arguments urged against the authenticity of the Toscanelli letters, to comment upon some of them, to point out some instances in which the arguments are certainly pushed too far, or in which the evidence is not correctly

interpreted, and, finally, to give some general impression of the present status of the controversy.

The negative evidence as summarized by Mr. Vignaud consists of the following points: (a) The originals of these documents no longer exist and no one is on record as ever having seen them. (b) Of Fernam Martins, Canon of Lisbon and adviser of Alfonso V., to whom the first Toscanelli letter was addressed, no trace can be found in the Portuguese chronicles or archives. (c) No mention of or reference to Toscanelli has been found in these chronicles and archives. (d) There is no trace outside these documents in question that as early as 1474 the project of crossing the Atlantic had been thought of in Portugal. (e) The contemporary Italian authors who mention Toscanelli and describe his literary activities knew nothing of any such correspondence or that he ever took any interest in an ocean route to the Indies. (f) No reference to this subject has ever been found in Toscanelli's papers. (g) Columbus in all the years he was trying to get a hearing never referred to Toscanelli's authority in support of his project, nor later in his journal, letters, or marginal notes where he refers to many authorities, is there any reference to Toscanelli. (h) The Latin text of the letter to Martins is too ill-written to have come from a Florentine scholar of the Renaissance. (i) Las Casas had not seen the original text of this letter and gives us no satisfactory account of how he got hold of the correspondence except that it was in the Columbus materials that he got from the family. (j) The author of the *Historie* does not tell where he got them. (k) In 1474 the question of a route to the East Indies and of participating in the spice-trade had not arisen in Portugal. (l) King Alfonso was not giving any attention in 1474 to new explorations. If he had been, his own sailors would have been his best authorities, and not a Florentine scholar. (m) The letter to Martins is based on the cosmographical system of Marinus of Tyre, which is known to us only through Ptolemy, which was not printed in 1474. (n) Toscanelli might have known this system from a manuscript of Ptolemy, but as Ptolemy explicitly confutes the deductions of Marinus from the facts known to him, a scientific man like Toscanelli would not have adopted Marinus's views. (o) The geographical and political nomenclature of the letter follows Marco Polo. In fact, it had been obsolete for a century and a half in China, yet in the letter there is an account of an interview which Toscanelli had with an ambassador from China (of whose presence in Italy there is elsewhere no record) yet without learning that the Polo nomenclature was no longer in use. (p) The cosmographical ideas in the letter are identical with those of Columbus; these ideas he expressly and explicitly attributes to the *Imago Mundi*, Marco Polo, Mandeville and Ptolemy, and he never mentions Toscanelli. (q) The second Toscanelli letter, written to Columbus, is practically identical with the Martins letter and is apparently the first draft of it. (r) The map which Columbus had on his voyage indicated certain islands in the mid Atlantic; these indications he relied upon confidently; of the existence of such islands Toscanelli could not have known nor

would Columbus, the seaman, have relied so surely on the conjectures of a mere scholar (pp. 245-249 of the Eng. ed.). It will be conceded that this array of negative evidence is formidable if not convincing. It certainly reveals much that is in a high degree perplexing.

I will now make a few running comments on some of these arguments to indicate their strength or weakness. It is certainly a striking fact, if King Alfonso asked for a statement of Toscanelli's views and received it, that no reference to it is to be found in the contemporary chronicle of Ruy de Pina or in the archives, or in the elaborate history of the Portuguese discoveries that Joao de Barros wrote in the next century based on the contemporary chronicles and archives. Especially striking, however, is the absence of any such indication in the accounts given by Barros of Columbus's presentation of his case to the King of Portugal of any knowledge on the part of King John, or of the junta of scientific men, or of Columbus, that, some ten years before, King Alfonso had inquired of Toscanelli and received the answer that the project of a western voyage to Cipangu was perfectly practicable. Could King John and his geographers have been ignorant of the fact, or could Columbus have refrained from referring to it if he had received a letter from an eminent scientific man, mentioning that he had recommended such a plan to the King? Our Portuguese authorities simply say that to King John Columbus seemed a boastful man and that the geographers thought his words about Cipangu mere chatter and all derived from Marco Polo. (Barros Dec. I., Bk. III., ch. XI.) Mr. Vignaud mentions this silence (p. 38) but does not press the argument as much as he might.

Again, if Toscanelli had given such thought to the problem of a western route to the Indies and had corresponded with the Portuguese court and with the subsequent discoverer of the New World it is very difficult to explain why his intimate friend Vespasiano da Bisticci, who lived till 1498, gives not the slightest intimation of the fact in his life of Toscanelli. In Vespasiano's admiring pages Toscanelli is the accomplished ascetic scholar and charitable pious physician, the greatest astrologer of his age and the friend of the leading Florentine literary men; but of Portugal, the spice-trade, the Indies or Christopher Columbus, there is not a line. (See Bartoli's ed. of Vespasiano's *Vite de Uomini Illustri*, pp. 291, 475, 481 and 507-509.) A comparison of Vespasiano's two-page sketch with Uzielli's 780 folio pages is at least suggestive. Mr. Vignaud's treatment of Vespasiano's silence is limited to a mere mention of the fact but it deserves elaboration.

The silence of Columbus in regard to Toscanelli during the tedious years when he was trying to get a hearing is almost inexplicable. The absence of any reference to Toscanelli amid the display of authorities in his later writings, ranging from Aristotle to the fourth book of Esdras and from Marco Polo to John Mandeville, is hardly less perplexing. It is easy to say with Ruge, that this was only one of the many deceptions of Columbus, but that explanation still leaves ground for perplexity.

One of the arguments upon which Mr. Vignaud places the greatest



reliance, is that in 1474 the Portuguese had no thought of participating in the spice-trade or of circumnavigating Africa, and of thus reaching the Indies, and that consequently they could have no interest in a westward route to the Indies at that date. To prove that Prince Henry had no thought of getting around the southern end of Africa Mr. Vignaud gives a forced and, I believe, an indefensible interpretation to the words "Oceanum mare versus meridionales et orientales plagas" in the Bull of Nicholas V., 1454. These words he explains as shores of Africa trending south and east instead of southern and eastern shores. He advances no proof that the words *orientalis plaga* do not mean exactly what the English words "eastern shore" mean, *i. e.*, a shore facing east and trending north and south. He also ignores the grant of Calixtus III., 1456, of spiritual jurisdiction in Africa "a capitibus de Bojador et de Nam usque per totam Guineam, et ultra illam meridionalem plagam usque ad Indos." Now while the phrase which is used in the Bull of 1454 descriptive of Prince Henry's design to open to navigation "mare ipsum usque ad Indos qui Christi nomen colere dicuntur" no doubt refers to the subjects of Prester John, whose realm was generally located in Abyssinia in the early fifteenth century, the unqualified phrase "ad Indos" cannot be rigorously limited to Lesser India or Abyssinia. A glance at the map of Fra Mauro of 1459, which records the results of Prince Henry's explorations shows clearly enough in its practical elimination of the Indian Ocean that any plan of exploration which aimed at reaching the realm of Prester John, by water involved circumnavigating Africa and approaching as near Calicut as the distance from Portugal to Greece.

To test the assertion that the Latin letter is too ill-written to have come from a real scholar in Florence during the Renaissance Professor Wagner of Göttingen submitted it to Professor Wilhelm Meyer, who reported that so far as the language is concerned the letter contained nothing inconsistent with the supposition that it was written by a humanist. There is one linguistic test, however, that ought to be applied and that is to determine whether the writer really thought in Spanish or in Italian. If the letter was forged in Spain by some one of the Columbus family the Latin ought to reflect in places the Spanish idiom. If it clearly reflects the Italian idiom that would militate against its having been written by a man who has been speaking Spanish for years and in favor of its authenticity.

The assertion lettered (1) is too positive. In that very year 1474 King Alfonso granted to Farnão Telles any islands he might discover in the ocean sea except in the region of Guinea (Algun's *Documentos da Torre do Tombo*, 38). For a discussion of other points in Mr. Vignaud's argument which it has not been possible to take up here, the reader may be referred to the very thorough criticisms by Sophus Ruge in the *Zeitsch. der Gesellschaft für Erdkunde zu Berlin*, No. 6, 1902, and by Professor Hermann Wagner in the *Göttingische gelehrte Anzeigen* for Feb., 1902. In the view of both these critics Mr. Vignaud has not made out his case. Professor Ruge in particular seems unshaken in his conviction of the authenticity of the letters.

But a few words can be said of the hypothesis to account for the fraud. Señor de la Rosa accounts for it by Columbus's vanity. Just as he falsely claimed relationship to the French semi-piratical Admiral Coulon, so he wished to be thought the correspondent of scientific men and to show by the correspondence that he had formulated his plan many years before he carried it into execution. But why should he not have paraded this correspondence in some of his works? Mr. Vignaud believes that the letters were forged by Bartholomew Columbus to protect Christopher's claims to being a scientific and original thinker from being impaired by the widely current story that he got his ideas from a dying pilot who had been blown across the Atlantic. This pilot story Mr. Vignaud successfully puts upon a new footing by bringing out the fact that Las Casas testifies that it was generally believed in Hispaniola as early as ten years after Columbus's first voyage and by sailors who came on that voyage or later voyages with Columbus. It has commonly been regarded as a rumor which is first mentioned by Oviedo twenty odd years later. At the best, however, the explanations of the supposed forgery are mere conjectures. The lack of an hypothesis which will show how any real advantage could accrue to Columbus or any of his family which could serve as a sufficient motive reacts in favor of the authenticity of the documents, and Las Casas's firm belief in them must count heavily in the same direction, although it must be said that he believed and reported much about Columbus that seems irreconcilable with the records.

It must be acknowledged in any case that Mr. Vignaud's first publication in this field of studies, making all due deductions for errors and misprints due to haste, for some cases of begging the question, of reasoning in a circle, and of forced interpretation, is a remarkable piece of work. It arouses a keen interest not only in his proposed study of the early Portuguese voyages but particularly in the work which Señor de la Rosa has in preparation. Both are radical iconoclasts and their trenchant challenge of the accepted critical structure of the history of Columbus will, by the discussion evolved, turn the light on the obscurer parts of the foundations. The present writer must acknowledge that it has for him put a very large interrogation-point after the Toscanelli letters and map and that while he feels that successful replies may be made to many of Mr. Vignaud's points there still remains enough to compel for the present a suspense of judgment. If only Señor de la Rosa is able to fulfill the large promise of the title he has boldly prefixed to his pamphlet!

EDWARD GAYLORD BOURNE.

*Europäische Politik im cyprischen Krieg. 1570-1573.* By PAUL HERRE. Erster Teil; Vorgeschichte und Vorverhandlungen. (Leipzig: Dieterich. 1902. Pp. xi, 165.)

DON JUAN and the Battle of Lepanto have had their historians, Stirling-Maxwell, Boglietti, Porreño Rosell, Jurien de la Gravière, and Manfroni, not to mention a host of other writers of the dilettante, nation-

alist, or religious sort, whose effusions the serious historian can forgive and forget. But until now no one had written of the long diplomatic negotiations which were necessary to reconcile the conflicting selfish interests of the South European states before a league could be formed and the united fleet be collected with which Don Juan should win his dramatic victory. This is what Mr. Herre has done, and done well. He begins with a suggestive summary of crosscutting lines of cleavage which divided all Europe at the close of the Reformation and which rendered especially difficult the formation of any league which should include several states. A second chapter gives a good account of the encroachments of Selim II. upon Venetian territory in the east and his final ultimatum for the cession of Cyprus, the refusal of which, in March, 1570, led to a state of war between the republic and the Porte. But Venice, even with her great fleet, could not hope to be victorious and save Cyprus, unless aided by the rest of Christendom; hence the necessity for a league, the negotiations for which Mr. Herre follows step by step in the different countries of western Europe. Pope Pius V., enthusiastic and optimistic, grasped eagerly the idea of a Holy League and at once became its most ardent champion. Rome was immediately the center of diplomatic negotiations, and Spain the country of greatest importance to win to the cause.

To students of Spanish history the account of the negotiations between the papal nuncio and Philip II. will prove the most interesting part of Herre's book; it fills half his pages and shows up in no favorable light the too complicated aims of Spanish policy, its extremely aggravating *Langsamkeit*, and worse still, its guileful trickeries. It gives an impression decidedly different from the commonly received one of Prescott and Hume that Philip II. "willingly listened to the Pope's proposal" and "furnished immediate succors to Venice."

The insuperable obstacles which thwarted the Pope's attempt to induce the other states—Portugal, France, Germany, Poland, and Russia,—to join the league are briefly dealt with in the last two chapters. This first part closes with the meeting together in Rome in July, 1570, of representatives of Venice and Spain, empowered to conclude with the Pope the final league. In a second part Herre promises to carry these negotiations through to their successful issue, and then give a history of the Cyprus War and of the league up to its dissolution in March, 1573, when the victory of Lepanto and the signature of peace between Venice and the Porte relieved that pressure of a common Turkish danger which alone had led Spain and Venice to sink temporarily their mutual jealousy and unite against Selim II.'s threatening power.

Mr. Herre, though suggesting sometimes the German seminar in his punctiliousness of detail and lack of generalization, is always accurate and usually interesting. His preface contains an excellent short bibliography, and his foot-notes, scattered profusely through his pages in half a dozen languages, are rich in quotations from Venetian, Vatican, and Simancas manuscripts, as well as from the printed sources.

SIDNEY B. FAY.

*The English Church in the Sixteenth Century from the Accession of Henry VIII. to the Death of Mary.* By JAMES GAIRDNER. (London: Macmillan and Co.; New York: The Macmillan Co. 1902. Pp. xi, 430.)

THE fourth volume in the *History of the English Church*, edited by Stephens and Hunt, is written by a scholar distinguished for his knowledge of the state papers of the period with which the volume deals. We get, as might therefore be expected, some detail not easily found elsewhere, especially in regard to negotiations with the Pope about the King's divorce and in regard to the influence of the political situation of the continent upon specific acts of religious policy in England. There are, however, no novelties of fact, and the varieties of opinion, sympathy, and prejudice were long ago exhausted. What was done is not a matter of dispute, but there is little agreement about the forces at work in society, the motives and aims of the actors, the value of the results. Gairdner writes of the whole matter with quiet but intense feeling, and his comments make the book a document illustrative of our own time. He does not enjoy his story. He seems to be contesting point by point the changes which were made in an affair too early for his own participation, and yet he seems satisfied with the result. The outcome was beneficent, but the process was reprehensible. Let us take the case of the legislation of 1529 which aimed to correct the evils of capricious probate fees, mortuaries, and pluralities. Gairdner recognizes that the action taken was in the right direction, but "the spirit of the whole legislation was bad, and was clearly intended to punish the only power in the land which could be trusted to denounce wrong in high places with something like authority." This is a characteristic passage. For Gairdner the King's shameful passions caused the changes in the church.

Save for the Ten Articles of 1536, Henry's policy makes a whole of consistent meaning. With thoroughly Catholic conceptions of religion he reconstructed the administration of the church. He overthrew the sacerdotal *imperium in imperio*, brought the church under lay and national control, suppressed the monasteries, and strengthened the normal diocesan system. Now from Gairdner one would gather that no consistent policy was in mind. He conceives the King as driven from point to point by a series of situations all evoked by his failure to get an ecclesiastical license to marry Anne Boleyn. Having thrown off the Pope and taken matters into his own hands, the King finds himself in one desperate emergency after another. His self-will in the first bad business becomes a brutal tyranny over a resistant nation. To maintain himself against conservative factions he coquets now and then with Lollard tendencies at home or Lutherans on the continent. He holds in check the forces thus used, but the heretical tendency thus encouraged has its triumph under the weak government of Edward.

In tracing the whole process to the King's marriage project, Gairdner persistently minimizes the operation of other forces. He is not one of those who recognize subconscious principles of social change, and he

has had little interest in the facts on which Beazley bases the interesting opinion that "the lay power in the state — this, and not reformed doctrine, or liberty of conscience, or Catholic antiquity — was the ultimate social principle of the struggle" (Traill's *Social England*, III. 51). Some of the evidences of a social problem are passed over with a sneer at pecuniary interests. Wolsey's plans for reforms are not mentioned, and Cromwell figures as the mere tool of a capricious king. Gairdner minimizes also the influence of that group of reformatory spirits with whose ideals we are made acquainted by Seebohm's *Oxford Reformers*. It is true that this group had no plan of legislative change, but it is short-sighted not to recognize that the royal policy had a basis in such a new spirit in the church. The royal policy did not adopt all their ideals, but one cannot fail to recognize in them a current of thought preparing the nation for a Christianity conceived by means of Scripture rather than by means of scholastic system, and relieved of those superstitions which were maintained by the monastic orders. In the first place, if we wish to estimate the Lutheran influence on the English people in Henry's time we shall have to forsake Gairdner and consult Froude or the Benedictine Gasquet. Gairdner treats the Lutheran influence disdainfully as something peculiar to the lower classes. Of these humble radicals he thinks as a cultivated pagan in the early centuries thought of the Christians. While he scoffs at the "pious pretexts" of state papers due to the hateful king, he is severe on Foxe for scorning the episcopal charges of gross impiety against heretics. "This is surely," says Gairdner, "a most extraordinary way of dealing with historical evidence." Would Gairdner accept accusations of witchcraft as historical evidence?

Insistence on the royal initiative blurs some of the facts. Gairdner obscures the difference between the articles of 1536 and 1539 by representing that the earlier articles taught transubstantiation. That is certainly not the case. The wording was closely modeled on that of the Augsburg Confession, and it seems clear that this temporary accommodation to Lutheran views was due to the urgency of Cromwell and certain bishops. Gairdner himself notes that this party began to exceed the King's authority. In the Six Articles, however, it was the King who spoke, and not these advisers. The severity of the penalty attached in 1539 to the denial of transubstantiation measures the energy of the King's dissent from Lutheran views as he had become better acquainted with them. It is made evident by this episode that one group of counsellors had a more marked policy of theological change, and we are entitled to doubt the notion which Gairdner seems to cherish, that innovation was alien to the English spirit of the time and came through the subserviency of leaders to the blind caprice of a tyrannous king. Dr. Gairdner's last chapter gladly accepts an historical result which he has been representing as deplorably begun and never consciously pursued. But, after all, his island belonged to a world in which momentous change was operating. A little more knowledge of the continent might furnish some perspective.

FRANCIS A. CHRISTIE.

*The Rise of Religious Liberty in America.* By SANFORD H. COBB.  
(New York: The Macmillan Co. 1902. Pp. xx, 541.)

MR. COBB devotes some seventy pages to three introductory chapters: the opening chapter defines the American idea of religious liberty, as contrasted with mere toleration or with liberty of conscience; the second and third sketch the evolution of the Old World idea and sum up conditions at the beginning of American colonization. The next four chapters, the main body of the book, trace the history of the relation of Church and State in the several colonies, these colonies being grouped for the purpose into four convenient classes. Thirty pages more are given to the need for colonial bishops and to the reasons for their non-appointment. Then two brief chapters, twenty-eight and eighteen pages, deal hurriedly with the critical Revolutionary period and with the later developments in the Union and in the states.

Previous studies, like the valuable essays by Dr. Schaff and Dr. Stillé, have surveyed limited portions of this supremely important phase of American history, and the many denominational histories of course make contributions to the theme, but the first attempt at its comprehensive and systematic treatment is embodied in this imposing volume by Mr. Cobb. It was quite time the attempt should be made, but it is most unfortunate that the task fell to hands so ill-prepared. To speak harshly of a work upon which has been expended so much zealous labor is an unpleasant duty, but it may as well be said at once that the strongest impression the reader carries away is a conviction of the author's inadequate equipment. It should be said that Mr. Cobb is perfectly open-minded, and that the general tone of his treatment is eminently fair and honest; but these statements exhaust the praise that can be given to the book.

The Old World chapter is based almost exclusively, as Mr. Cobb tells us, upon Innes's little hand-book on *Church and State*, and it follows its model so closely as to copy even the date 852 (p. 39) for Otto's restoration of the Empire. With Innes the error is probably a misprint, but Mr. Cobb's context shows that he accepts the date in good faith! Mr. Cobb tells us, too (p. 58), that "no occasion of civil oppression is recorded" for the brief Presbyterian rule in England. Can it be that he forgets the long struggle between the army and the Presbyterian Parliament regarding toleration,—to say nothing of the great persecuting statute of 1648, when Parliament thought the army too busy with the Second Civil War to interfere? A more serious consideration is, that, like Innes, Mr. Cobb surrenders the true view-point for an historical survey by ignoring all relation between Church and State before the rise of Christianity. It may be true, as asserted, that the "problem" of religious liberty could arise only after the rise of Christianity, but certainly it is also true that the ancient and organic connection between religious and political institutions in the pagan world conditioned the working out of the new problem and indeed for a long time wholly obscured it. The positive denial of all institutional character to all pre-Christian re-



ligions (p. 21) goes part way, perhaps, to explain how Mr. Cobb, like Innes again, finds it possible to indulge in a quaint idealization of Constantine. The enthusiastic and repeated parallel between Constantine and Roger Williams is, I believe, original with our author.

Mr. Cobb is certainly more at home in American colonial history, and for some of the colonies, as Connecticut and New York, the preparation seems to have been exhaustive and the story is well told; but even in this period, as a whole, the treatment abounds in assumptions unproved or false, and is defaced by so many errors as to challenge confidence in every statement not supported by the reader's own knowledge. The four-page list of "authorities" contains several obvious blunders, abbreviates titles and omits initials and dates in a most irritating way, fails to mention many works that are important if not essential, and jumbles its material, primary and secondary, without the slightest discernible principle of arrangement, whether by alphabet or chronology, subject or importance. The body of the book shows in even stronger light a like confusion regarding the relative value of authorities. Force's *Historical Tracts*, Hawks's *Contributions to Ecclesiastical History*, and the *Massachusetts Records* are given as authorities in foot-notes without reference to volume or page. In one such case (p. 146) the citation is wholly wrong as well as indefinite, and in another (p. 169) an incorrect statement is based upon the indefinite citation. Charters and other sources easily accessible are commonly quoted at second hand — often with unfortunate results. On one page (75) Mr. Cobb confuses the charter of 1606 with James's later instructions to the Virginia Council, quotes as if from the charter of 1609 a sentence not in that document, and shows that he is not aware of the motive stated in the charter for requiring the oath of supremacy. It is stated incorrectly (p. 137) that the Plymouth Council did not receive power over life and death in their patent; this corporation (p. 135) seems to be confused with the London merchants who furnished the funds for the Plymouth Pilgrims; and these Pilgrims (p. 136) are said incorrectly to have sailed without a charter. The exploded misconceptions of the older New England writers regarding supposed liberal peculiarities in the charter of the Massachusetts Company are adopted without hesitation (p. 149), and the same page repeats with emphasis John Fiske's unfortunate statements as to the religious clauses in that document. The Maryland charter is made to ascribe to Charles (p. 363) the motives it really imputes to Baltimore, while the statement on the following page that Baltimore's sovereignty was limited by "only one condition" comes plainly from someone's careless mis-reading of the concluding clause of the charter regarding the future interpretation of disputed passages in the courts. The author fails to see, too, that the Rhode Island charter of 1643 (dated by Mr. Cobb as 1644) did at least imply religious liberty by carefully confining the authority of the state to "civil" matters, — a term which is to be interpreted, of course, by the language in which Williams's followers had from the first promised obedience to the law "in civil matters only." Similar errors characterize

the treatment of the later state constitutions: thus Pennsylvania is unjustly accused of constitutional restrictions in various places (pp. 71, 450, 482, 503, 515, 520). The Pennsylvania Bill of Rights of 1776 did provide that no man believing in a God should ever have his civil rights abridged, but this clause did not abridge the rights of men not so believing, as Mr. Cobb assumes it did, nor does the Constitution anywhere restrict the franchise to such believers, as Mr Cobb repeatedly states; while the test oath prescribed in 1776 was not for "all officers" but only for members of the House of Representatives. The Massachusetts constitution has never made the distinction, claimed by Mr. Cobb (p. 519), between towns and parishes, and Tennessee not only does not restrict office-holding by a religious test (as charged on page 159), but, as is noted, indeed, on that same page, her constitution expressly provides that no test shall be required except an oath to support the Constitution of the Union and that of the state.

The commonest details of colonial history are mis-stated. I will confine mention to a few of those regarding the two best-known groups of colonies. Despotic rule in Virginia, we are told (p. 79), did not cease until 1621; Mr. Cobb not only does not know of the published records of the first representative assembly in America, but he denies its very existence, and further states expressly (p. 80) that the assembly of 1623 is the first whose records are preserved. The Virginia legislation against Catholics, in its details, is explained, of course, by the eighteenth century legislation against that denomination in England and Ireland, and the comment on page 108, ignoring this explanation, is misleading. Lechford, the Massachusetts lawyer, and Lyford, the Plymouth preacher, are evidently regarded as one and the same man, and the confusion is carried in curious fashion through four pages (143-146); Lechford's *Plain Dealing* is ascribed to Lyford, and is referred to as in Force, whose collection does not contain it. The stern Endicott (p. 152) speaks the gentle Higginson's pathetic farewell to Old England and (p. 169) presides as governor, in Winthrop's seat, over the first Court of Assistants in the colony of Massachusetts Bay. The second General Court in that colony (that of May, 1631) is declared to have been the first (p. 170). A closer attention to New England chronology would have made impossible the misleading statements regarding Hooker's motives (p. 241). It would be "strange enough" (p. 155), indeed, if it were true that Endicott's instructions from the company would have authorized the foundation of any religious establishment preferred by the settlers under his charge.

Statements like this last make it plain that the author is not prepared to interpret the facts he comes upon. After this we are not surprised to see the Mecklenburg Declaration burst its cerements once more, or even (p. 499) to have the Northwest Ordinance presented as the deed of Virginia. The brevity of the treatment after 1775 would of itself have made the latter portion of the book inadequate.

WILLIS MASON WEST.

*La Belgique Commerciale sous l'Empereur Charles VI: la Compagnie d'Ostende.* Par MICHEL HUISMAN. (Brussels: Henri Lamertin; Paris: A. Picard et Fils. 1902. Pp. xii, 556.)

WHEN Carlyle in his *History of Frederick the Great* wrote of what he called the "Shadow-hunts of Kaiser Karl" he included among them the formation of the Ostend Company of Belgian merchants chartered for the purpose of trading with Asia in 1722, and he asserted in his usual slap-dash fashion that this company never existed except on paper, that it never sent a ship to the east, and that it "only produced Diplomacies and 'had the honour to be'" (Book V., Chapter II., "Third Shadow"). Few statements, even from the pen of Carlyle, could have been more inaccurate. Not only did the Ostend Company exist, but it opened a most flourishing trade both with India and China, and caused most sincere apprehensions to the two great maritime nations of the eighteenth century, the Dutch and the English. The opposition of these two nations to the Ostend Company was the keynote of their foreign policy during the first years of peace which followed the conclusion of the Treaties of Utrecht in 1713, and it is from the point of view of international European politics that the Ostend Company has hitherto been regarded. The success of its commercial operations, the nature of its organization, its promise to raise the Belgian merchants once again to the prominent position they had formerly held, have been forgotten, and the publicists and historians who glibly deal with the European history of the eighteenth century write of the Ostend Company, as Carlyle did, with absolute ignorance of its true place in the history of the relations between Asia and Europe.

This review must begin with a tribute to the learned Belgian historians, who during the last few years have shown themselves in the forefront of the modern school of scientific history. There is a tendency to group modern historical writers simply as French and German, and to neglect the admirable work done in history in the smaller countries of Europe, just as there is a tendency to neglect the study of the history of such countries as Belgium and Denmark and Sweden, in spite of their importance in the past, because of their slight political influence at the present time. Yet in these smaller countries the study of history is pursued with even more ardor than elsewhere, because the smaller nationalities realize the contrast between their glorious past and their present insignificance. Nowhere is better historical work being done than in Belgium, both in the careful editing of documents and in the critical appreciation of primary authorities as shown in secondary works. With this sound and careful method goes excellent writing, and the style of modern Belgian histories compares favorably with the products of other European countries. M. Huisman in the volume under review shows a thorough study of the manuscript materials bearing upon his subject preserved not only at Brussels and Antwerp, but also at The Hague, Paris, Berlin, and Vienna. He has carefully studied the mass of pamphlet liter-

ature of his period and from these two sources has produced a work which is not only an original contribution to history of the greatest importance, but is also a prime authority that can never be neglected in the future by students of European or Asiatic history. It is only necessary to compare the brief and unsatisfactory account of the Ostend Company in M. Bonasieux's *Les Grandes Compagnies de Commerce*, up to this time the only real effort to describe it, with the elaborate study of M. Huisman, to perceive how great a service the latter writer has rendered the history of the eighteenth century, and M. Huisman's book adds one more proof of the vitality of the Belgian school of modern historical writers.

The last ten years have witnessed a revival of interest in the old chartered companies by which trade was carried on between Europe and Asia, and this interest is frankly due in England, France, and Germany to the development of the new English chartered companies of the present day. Utterly different in their scope and in their composition as are the new chartered companies, their doings have called attention to the early history of their prototypes. The London East India Company, which made an empire, is now seen to be only one of a series of commercial organizations, though by far the most successful of them, and the causes of the failure of contemporary companies are being analyzed with scientific accuracy. The world policy of the European countries of to-day has aroused an interest in their efforts for African and Asiatic expansion in former centuries. Many French writers have been studying the internal causes which led to the failure of France as against England, and M. Paulliat, in particular, has examined with care the part played by Louis XIV. in the Asiatic ventures of his reign. Herr Ring has dealt with the Asiatic ambitions of Frederick the Great of Prussia, and the reasons which led him to abandon the enterprise. And now M. Huisman has, for the first time, given a true account of the Belgian effort in this direction. For most clearly does it appear that the proper name to be given to the Ostend Company is Belgian and not Austrian. If Sir W. W. Hunter, the most distinguished English writer on the exploitation of Asia by the European nations, were still alive, he would rejoice over M. Huisman's book and would use Belgian in the place of Austrian in dealing with the efforts made by the Ostend Company for a share of the trade of Asia; because, although the Ostend Company received its charter from the Emperor Charles VI., its capital was provided by Belgian merchants, its enterprises were directed by Belgian directors, and its ships were chiefly commanded by Belgian captains. The Austrians had no part nor lot in the Ostend Company, which was, however, sacrificed to aid Austrian policy. It was a cruel fate that cut Belgian aspirations short at the selfish bidding of Dutch and English statesmen, and one of the most interesting features of M. Huisman's book is the evidence that he gives of the vigor and enterprise of Belgian merchants and the way in which all that vigor came to naught owing to the political control of the Catholic Netherlands by the House of Hapsburg and the subordination of Belgian interests to Hapsburg dynastic policy. M.

Huisman describes at length the condition of the Belgian provinces after the Treaties of Utrecht had transferred them from Spain to Austria, and the way in which the war-smitten country at once endeavored under its new rulers to recover some of its old commercial prosperity. The selfish policy of the Dutch worked consistently against any revival of Belgian commerce, and the English merchants and statesmen supported the action of their allies. It was with the greatest difficulty that after years of negotiation the Imperial and Royal Society of the Indies, better known as the Ostend Company, was at last established in 1723. The organization of the company was admirable and contained the results of English, French, and Dutch experience. Its first expeditions were eminently successful. Good management secured for the Belgian ships a share of the China trade upon favorable terms, and an entry into the port of Canton, at that time forbidden to the Dutch. In India the Belgians were less successful, but their settlements at Covelong near Madras and at Banki-Bazar near Calcutta showed considerable promise and might have grown into important factories but for the opposition of the English and the Dutch. The ablest administrator the Belgians sent to India was an Englishman and former servant of the English company named Alexander Hume, and he had laid the foundations of prosperity when European politics ended the life of the Ostend Company. M. Huisman has fully proved the inveterate hostility of the English and Dutch towards their Belgian competitors, and has traced with care the proceedings which led to the suspension of the company in 1727 and its dissolution a few years later. It is a sordid tale of commercial greed making skilful use of political means, and the impression is left that Charles VI. honestly desired the continuance of the company with its renewed prosperity for his Belgian subjects, but was prevented from maintaining their rights by the bitter hostility of the Dutch and the exigencies of his own dynastic policy.

One or two criticisms may be made of M. Huisman's book, not with the idea of faultfinding, but to point out certain difficulties presented to English readers by his neglect to recognize modern terms. For instance, in his spelling of Indian names he has followed the French transliteration which he found in his documents, but which might be puzzling to readers of English books upon the history of India in the eighteenth century. He always spells the name of the Belgian settlement upon the Coromandel coast as Cabelon, whereas the recognized English spelling is Covelong, a name well known to students of Clive's campaigns. Still more misleading is his use of the words Moors and Moorish. In the eighteenth century it was usual for all Europeans, French as well as English, to speak of the Mohammedans of India as "Moors," and to distinguish them from the Gentoos, as they termed the Hindus. This practice was entirely abandoned in the nineteenth century, and now is only found in the writings of French and Belgian historians. It would be well if M. Huisman in the next edition of his book would alter this unscientific terminology, which he has borrowed from the language of his authorities.

Such blemishes are, however, trifling, and this notice must close with an expression of sincere gratitude to M. Huisman for having cleared up one of the dark places in the history of the relations between Europe and Asia, and with a recognition of the fact that he has put forth a work showing wide research, sound criticism, and admirable grasp of the conditions that existed in the early part of the eighteenth century both in Europe and in Asia.

H. MORSE STEPHENS.

*A History of Slavery in Virginia.* By JAMES CURTIS BALLAGH. [Johns Hopkins University Studies in Historical and Political Science. Extra Volume 24.] (Baltimore: The Johns Hopkins Press. 1902. Pp. viii, 160.)

MR. BALLAGH has written the best local study of American slavery which has yet appeared, and one worthy to rank with the admirable work of Jeffrey Brackett. This study of slavery in Virginia is chiefly noteworthy for the careful comparison of slavery in America with serfdom in Europe, or more especially in England, and for its tracing out step by step the legal development of the slave status.

The volume is short and divided into three chapters: a brief historical chapter dealing with the slave-trade; a long chapter of ninety pages, which is the kernel of the dissertation and treats of the rise and development of slavery as a legal and social system; a final chapter dealing with manumission and efforts at emancipation.

The author has evidently strong Southern sympathies; he is fond of proving Massachusetts equally blood-guilty with Virginia, and has discovered a certain quality inherent in white blood which he designates as "sanctity" (p. 61). Nevertheless such things crop out only incidentally, and, on the whole, the temper and balance of the true scholar are well maintained. There are places where one may easily differ with the author's judgment; he contends, for instance, in the initial chapter, that "no colony made a more strenuous and prolonged effort to prevent the imposition of negro slavery upon it, and no state a more earnest attempt to alleviate or rid itself of that burden, than Virginia" (p. 14). True it is that by 1772 there was strong opposition to the slave-trade in the colony, and that such opposition appeared at various times earlier. Nevertheless a review of Virginia legislation on the subject and a knowledge of the large revenue derived from the duty acts on negroes may well lead the student to wonder if moral opposition to the traffic was not at a low ebb during the early part of the eighteenth century, and if the charge that England forced slavery on Virginia is not a little far-fetched. That Virginia early came to fear too many slaves is true, but Mr. Ballagh is assuredly wrong in claiming for this state the honor of being the "first political community in the civilized modern world" to prohibit the importation of slaves (p. 23), since both Connecticut and Rhode Island anticipated her by four years.<sup>1</sup>

<sup>1</sup> *Acts and Laws of Conn.* (1784), pp. 233-234; *R. I. Colonial Records*, VII, pp. 251-253.



The study of the legal development of slavery in Chapter II. is a distinct contribution to our understanding of the system. Mr. Ballagh shows clearly that in Virginia, as well as in many other colonies, the negro at first was in the eyes of the law a servant in no way distinguishable from other servants. From the beginning, by law and custom, a succession of steps evolved the human chattel of later days. These steps began with the recognition of negroes as slaves for life; then the recognition of their children as slaves, since they could not be reared as freemen; next the slave became personal property and at last real estate. Finally a series of laws drew the color line of slavery by first ignoring the distinction of Christian and heathen and then enslaving most mulattoes. When the full status of slavery was established, the author traces in detail the legal privileges and limitations of slaves and compares their condition with that of the English villain. The negro slave could be bought and sold, seized for debt, separated from his family, restricted in movement, etc. On the other hand he could not legally marry or trade, or learn to read or write, or sue in courts except for freedom.

The part of the second chapter dealing with social status is not so full nor so satisfactory as the first part. It has a slightly apologetic tone, and while it frankly admits many evils of slavery (save the greatest one, on which it is almost silent) nevertheless it lays great stress on the benevolent and better side of slavery, and its good effects on master and man. Thomas Jefferson's very flat contradiction of this pleasant picture is attributed by Mr. Ballagh to French "doctrines of equality," and "pique" (p. 129).

The final chapter gives deserved praise to the abolition efforts of Jefferson, Tucker, and others, and shows how the question of disposing of the freedmen was the great obstacle to their plans of emancipation. The author supports "South-Side" Adams's views, and seems to agree with him that Abolitionism rather than cotton was mainly instrumental in fastening the chains of the slaves after 1830.

The volume has a bibliography and an index.

W. E. BURGHARDT DU BOIS.

*Immigration of the Irish Quakers into Pennsylvania, 1682-1750, with their Early History in Ireland.* By ALBERT C. MYERS, M.L. (Swarthmore, Pennsylvania: The Author. 1902. Pp. xxii, 477.)

*Quaker Arrivals at Philadelphia, 1682-1750.* By ALBERT C. MYERS. (Philadelphia: Ferris and Leach. 1902. Pp. 131.)

THE coming of Friends' families to America during the colonial days has been described in many works of genealogical research and in local histories, but they have mostly related to families from England. Albert Cook Myers, in the portly and attractive volume named above, has filled a gap in the records by describing the migration of Friends from Ireland.

After narrating the beginnings of Quakerism in Ireland the author discusses the inducements that led the Irish Friends to come to Pennsylvania. From the time of his conviction, while in Ireland, of the truth of Friends' doctrines, William Penn had been brought prominently before the Friends of Ireland. In 1669 he went to that country to assist in the management of the Penn estates, and hearing of the persecution and imprisonment of the Friends there went at once to Dublin, and succeeded in procuring the release of those in prison. The Irish Friends had great confidence in him and they were among the first to whom he opened his Pennsylvania project.

The Free Society of Traders, consisting of over three hundred members, among whom were several prominent Irish Friends, purchased 20,000 acres of land in Pennsylvania. Robert Turner, one of the committee at the head of the organization, removed to Philadelphia in 1683 with his daughter and seventeen "indented" servants. As he was prominent in the affairs of the colony, no doubt his influence did much to forward the migration of his countrymen.

The most eminent of the Irish immigrants was James Logan, who came to Pennsylvania in company with William Penn in 1699, and for forty years thereafter held some high office in the colony. He bequeathed to the city of Philadelphia his private library of 3,000 volumes, which formed the foundation of the Loganian Library. Thomas Holmes, who had been imprisoned in Dublin, was one of the first purchasers in Pennsylvania, buying a tract of 5,000 acres. Penn appointed him surveyor-general of the province of Pennsylvania. He also held many other places of trust and honor, and at one time acted as governor of the province. Other distinguished Irish Friends were Thomas Griffiths, who served as mayor of Philadelphia and judge of the Supreme Court; Robert Strettell, a prosperous Philadelphia merchant who had a country house in Germantown, and who also served as mayor; William Stockdale, a writer of Friends' books; Nicholas Newlin, who served as a judge of the Chester county courts; and Lydia Darragh, who risked the safety of herself and family to give important information to General Washington.

The book contains many interesting documents, especially letters from the immigrants to their friends in Ireland. One of the most readable of these is a letter from Robert Parke, who settled near Chester, to his sister Mary, in 1725. After telling her of the general prosperity he describes the two fairs held yearly in Chester and New Castle, where "Ribonds and all Sorts of necessarys fit for our wooden (wooded) Country may be bought and here all young men and women that wants wives or husbands may be Supplied."

The appendix, which makes nearly half of the volume, contains genealogical records taken from the minute-books of various monthly meetings, which are of value to all who are descended from these early Quakers. The researches of the author have been careful and extensive, and his work is a valuable contribution to the history of the religious society of which he is a member.

A smaller volume, also by Mr. Myers, entitled *Quaker Arrivals at Philadelphia, 1682-1750*, contains a record of over a thousand certificates received by Philadelphia Monthly Meeting between the years 1682 and 1750, for Friends coming to reside within its limits, chiefly from over the sea. Many of the names included in this list are still prominent in the records of Friends in the various parts of the United States where their meetings have been established.

Several of the minutes contain explanatory matter that is interesting reading because of the quaintness of the statements. A certificate signed by Wm. Penn and Giuelma Maria Penn, for one who had served them nine years and a half, says, "She is clear of all Persons as to marriage that we can tell of, save one John Martin, and has been well regarded of friends of the meeting to which she has belonged." A minute from Barbados in 1699 states that "Jonathan Dinnis, 'of this Island Surveyor having lately been much troubled with Consumption,' desires to take a voyage to Pennsylvania for his health, leaving behind his wife and children."

ELIZABETH LLOYD.

*New France and New England.* By JOHN FISKE. (Boston: Houghton, Mifflin and Co. 1902. Pp. xxvi, 378.)

It is a cause for genuine satisfaction that Mr. Fiske had at the time of his lamented death practically finished this book, which was needed to complete his series of histories of the United States,—seven volumes reaching from the discovery of North America to the adoption of the Constitution. Like Parkman, Fiske did not issue his several books in chronological sequence; but from the first he seems to have had them clearly outlined in his mind, and to some extent on paper, and now that the last stone in the arch is laid it can be seen that he builded with care, although not in the usual order.

The scope of the last-published book—chronologically fifth in the series—was foreshadowed in the preface to *The Dutch and Quaker Colonies in America*, its predecessor both in subject and in time of issue: "It is my purpose, in my next book, to deal with the rise and fall of New France, and the development of the English Colonies as influenced by the prolonged struggle with that troublesome and dangerous neighbor. With this end in view, the history of New England must be taken up where the earlier book [*The Beginnings of New England*] dropped it, and the history of New York resumed at about the same time, while by degrees we shall find the histories of Pennsylvania and the colonies to the south of it swept into the main stream of Continental history. That book will come down to the year 1765, which witnessed the ringing out of the old and the ringing in of the new,—the one with Pontiac's War, the other with the Stamp Act."

The greater part of Mr. Fiske's histories were first prepared and delivered as lectures—a custom having certain advantages in ensuring that lightness of touch so essential to popularity, and obvious disadvantages in the necessity for blocking out the matter into equal-sized chapters, each

possessing dramatic unity, regardless of the relative importance of persons and events treated. Probably no American historical lecturer has been more successful than Fiske in avoiding the pitfalls which beset this method of book-making; nevertheless, nearly all of his chapters remind one of the platform.

The volume before us is, in the main, composed of lectures delivered by our author during the winter of 1900-1901. Of the ten chapters, only the first two, "From Cartier to Champlain" and "The Beginnings of Quebec," were actually revised by him for the press; the third, "The Lords of Acadia", the publishers inform us, "was unfinished, but has been completed by a few pages, enclosed in brackets and prepared in accordance with Mr. Fiske's own memoranda indicating what incidents he proposed to include in the remaining paragraphs"; the remaining chapters were left "in the form of carefully prepared lectures," which the publishers have equipped with side-notes and citations to authorities, also within brackets. We are assured that the text of the entire book is printed exactly as it left the author's hand, which was a wise thing to do. Mr. Fiske possessed a rare charm of style, and had he lived would no doubt have given us a volume equalling its predecessors in this regard, but it would have been sacrilege for another hand to attempt the polishing.

Putting aside, then, the necessary unevenness in style, and occasional lack of coherence arising from failure to bridge the gaps between his lectures, it can not be said that the author has in all respects made good the promise in his preliminary announcement above quoted. A book bearing this broad title, and thus heralded, should be a history of the struggle between French and English for the mastery of North America, "The rise and fall of New France, and the development of the English colonies as influenced by the prolonged struggle with that troublesome and dangerous neighbor," as he himself puts it. The result is not exactly what the reader has been led to expect. New France is almost entirely treated upon the side of exploration, war, and politics. It is picturesquely done, much of it in Mr. Fiske's best style, but we gain from his pages no adequate picture of the life of the French Canadians or the underlying forces which controlled them; we have still to go to Parkman for these. As for "the development of the English colonies as influenced by the prolonged struggle," this book gives us small notion of that; others of Fiske's volumes are more informing in such particulars. Two of the best chapters in *New France and New England*—100 out of 359 pages of text—are "Salem Witchcraft" and "The Great Awakening"; yet the author curiously fails to connect these with the story of the titanic struggle for the mastery of the continent. They are informing, indeed brilliant, psychological lectures, but are out of place in this volume, standing isolated both in treatment and in interest. These topics might have merited a few pages, if properly woven in by way of illustrating the temper of the English colonists; but to abandon to them, disconnected as they are, nearly a third of the book, is sadly disproportionate. And lastly, instead

of carrying us, as promised, to the year 1765, "which witnessed the ringing out of the old, and the ringing in of the new," the volume abruptly ends with the victorious death of Wolfe, in 1759. Possibly the author had intended to add another chapter, treating of the events of the succeeding six years; but he did not, and we can speak only of the book as published.

In the details of early western exploration, our author sometimes betrays a lack of definite knowledge, apparently following Winsor, who, with all his deep learning, is sometimes cloudy in these matters; his French are at all times more shadowy than his New-Englanders, which is not surprising; and not infrequently one meets with a certain indefiniteness of statement which is unusual in the pages of Fiske. But it would be ungenerous to criticise too closely an author who had not the opportunity of revising his manuscript for publication — an author, too, who deserves so well of us as Mr. Fiske. With all its limitations, perhaps most of which are traceable to the lack of revision, the volume is a welcome addition to the growing literature of the dramatic contest between the French and English colonies in North America, and fitly concludes a notable series. The index is a creditable piece of work.

R. G. THWAITES.

*The Fight with France for North America.* By A. G. BRADLEY.  
(New York: E. P. Dutton and Co.; Westminster: Constable and Co. 1902. Pp. xv, 400.)

THIS title is somewhat misleading, as the narrative is confined to the years 1748–1760, and deals only with the military conflict on the American continent. It begins with a characterization of the American colonies, French and English, in 1748, and advances then in rather close chronological order to the surrender of Montreal to Amherst, September 9, 1760. The field of action is the battle-field in the narrowest sense; practically no attention is given to the European managing centers or to the European events, military or political, that affected the origins and conduct of the campaigns. The author (known by his *Life of Wolfe* in the "Men of Action" series, and by other books) is an Englishman who has had the advantage of considerable residence in America; in some degree he disarms criticism by the disclaimer (in his preface) of attempting "to address the serious student of this war, if indeed there be any such on this side of the Atlantic," and by stating his main motive to be the desire to make this period better known to the average English reader, in regard to whom he thinks the volume will "possess at least the merit of novelty." If this be so, the American critic can hardly act upon his first impulse and call the book superfluous; but he can still advise the American general reader to follow its author's example and stick to his Parkman.

It must be conceded that Mr. Bradley has done his popularizing work fairly well. Haste is shown in some curious grammatical blunders (as "who" for "whom," pp. 289, 357); we have occasionally a sophomoric

flourish—"The spirit of Wolfe was already abroad, borne by the very breakers on these wild Acadian shores and burning in the hearts of these fierce Islanders, who, like their Norse ancestors of old, came out of the very surf to wrest dominion from those ancient foes" (p. 222); but the book is on the whole pleasant reading, and succeeds in making interesting not only the more important operations but even the confused and scattered events of the years 1747-1756. It is particularly successful in describing the field of action, in giving the main elements of the situation, in laying proper stress on the salient points, and in keeping consistently to the treatment the reader has been prepared for. The preliminary characterizations of the different colonies seem surprisingly good, while the narrative is throughout much superior to the average English one in its grasp and clear statement of the peculiar difficulties that have always appeared in the relations between Englishmen and colonials. This merit the writer owes mainly no doubt to his American experiences; but we may perhaps also recognize the illuminating influence of the Boer War. There are various direct and indirect references to this war and to other recent events, which attest the imperialistic spirit of our author (Washington's "Great Meadows" exploit is cover for a fling at the "Little Englander," anent Fashoda); these are often pointless and jarring, as the sentence about "deliberate fabrication" (p. 364), and the closing one concerning "the ignorant howlings of a heterogeneous mob, so-called Americans of to-day or yesterday."

These are perhaps excusable lapses at the present moment; it is the duty of the careful critic to point out evidences of more serious defects in the preparation and method of our author. As has been said above, the narrative is almost exclusively military, as little as possible being said of contemporary European events. There are some remarks, however, of a nature to impel us, in the interest of the general public, to gratitude for this restraint. Perhaps even at this late date the popular historian of the Seven Years' War may deny that he can be expected to know that serious students do not now explain France's share in the "Diplomatic Revolution" of 1756 by the statement that Mme. de Pompadour "had not only been the object of the Prussian King's continuous raillery, but had been treated by him with personal contumely"; what are we to say however to the statement that "Catherine of Russia" was similarly "stung to fury by his coarse jests at her somewhat notorious weakness for Grenadiers" (p. 140)? The refuge of a misprint seems here precluded by the preliminary page of minute "errata" as to proper names; that this is an error that casts grave suspicion on our historian's researches into the Seven Years' War will be clear when it is remembered what a critical event for Frederick and for Europe the death of Elisabeth in 1762 was. At the close of the book the author feels compelled to round out his story by some further allusions to European conditions, but is scarcely more happy in his statements. He does not lack, however, in confidence, as when he tells us apropos of the Peace of Paris that "if the King bribed the House of Commons, it is almost equally certain that



France bribed Bute with a most princely fee for his services on her behalf" (p. 393).

The culmination of the war is of course the siege of Quebec, and here we might expect to find the writer peculiarly at home, being already the author of a *Life of Wolfe*. What material (beyond Knox's *Diary*) he has used is no more evident here than in any other part of the book, as it is throughout wholly destitute of references; certainly there is nothing fresh either in fact or treatment, while points still wrapped in some obscurity (as with regard to the plan of attack above the town) are left severely alone. The traditional account is, in short, reproduced in all respects, even to the old story of the reciting of Gray's *Elegy* by Wolfe on his way to the scaling of the cliffs; this amiable clinging to the tale would seem to indicate that in this case our writer's literary sense is more than a match for his sense of accuracy, for Mr. Morris in the note in the *English Historical Review* (Vol. XV., 125) in which he explodes this form of the story had pointed to Mr. Bradley in his *Life of Wolfe* as the most recent reiterator of it, with the remark that he had increased the inaccuracy by giving the name of the original authority as "Robertson" instead of "Robison"; in the present telling of the story Mr. Bradley accepts the "Robison," but seems unable to go any further.

VICTOR COFFIN.

*The History of Wachovia in North Carolina: The Unitas Fratrum or Moravian Church in North Carolina during a Century and a Half, 1752-1902.* By JOHN HENRY CLEWELL. (New York: Doubleday, Page and Co. 1902. Pp. xiv, 365.)

THE Moravians in 1752 settled a rich tract of 100,000 acres of land in western North Carolina. Till 1771 they lived in common, except in two of the villages, which abolished the system somewhat earlier (p. 91). They were quiet German farmers and artisans. Their thrift and simple lives made them valuable members of the community. Their religious organization gave them an intense common life. They lived in a series of villages after the German type, the most prominent of which was Salem. In Salem they early established schools which had a wide influence throughout the state. Later they were among the first in the state to build factories. Like most of the early Germans in America, they had but little to do with political affairs, and they had conscientious scruples about bearing arms. In the Revolution they endeavored to be neutrals and were distrusted by each side. Outside of their town limits there grew up a town of non-Moravians, who were more enterprising than the staid Germans and made rapid strides in town development. The two places, now united as Winston-Salem, constitute a thriving manufacturing community.

The story of the century and a half during which this community has attained its present condition is an interesting piece of local history. Mr. Clewell is well qualified to write this story. He is a prominent

Moravian minister, and for fourteen years has been principal of the Salem Female Academy, an influential boarding-school which has grown up under the nursing hands of his church. He has taken a pride in his work and seems to have explored the valuable church records which have been preserved in Salem with commendable care. His treatment is not that of a trained historian. It is lacking in discussions of social development. It is a publication of annals with emphasis upon the more striking incidents. The Indian war, the coming of the Regulators, the visits of Tryon and Washington, and the establishing of various villages, fill in between the ordinary details of church and town life. The failure of the community of housekeeping is dismissed with four and a half lines, and it is not considered important enough to be mentioned in the index. The allusions to the general history of the state show that the author is not well-informed in that field. He accepts the views of Caruthers on the Regulators, fails to understand Tryon, and has no question in regard to the authenticity of the Mecklenburg Declaration of Independence. The most valuable part of the book is the mass of facts taken from the manuscript records which have been preserved by the church. They represent only a small part of the large accumulation which is preserved by the Wachovia Historical Society in Salem. These facts, which are frequently given in quotation, have not been published hitherto. They are valuable for the future historian of social conditions in North Carolina. The pains with which they have been sought is exceedingly commendable. The story is also well calculated to hearten Moravians everywhere, especially in North Carolina. It reveals a life-fortitude and virtue, the goodness of which can never fail to make men desire to lead better lives and be more faithful to their ideals.

JOHN SPENCER BASSETT.

*A Monograph on the Evolution of the Boundaries of the Province of New Brunswick.* By WILLIAM F. GANONG, M.A., Ph.D. [Transactions of the Royal Society of Canada. Second Series. 1901-1902. Vol. VII., Section II. Pp. 139-449.]

THE author of this monograph is a native of New Brunswick. The personal equation in boundary studies he clearly recognizes. "Unreasoning partisanship," he says, "is the natural condition of the human mind." An impartial discussion of controverted questions, however, he believes is possible; and his work gives abundant evidence that he has attempted to treat such questions connected with the northeastern boundary controversy with entire fairness and impartiality.

The purpose of the monograph is to explain the precise factors which have determined for each New Brunswick boundary line its genesis, its persistence, its position, its direction, and its length. After considering some general matters pertaining to boundaries and boundary disputes, Professor Ganong commences his discussion with a brief reference to the boundaries in the Indian period. He then calls attention to the boun-

daries in the period of discovery and exploration down to 1606. This is followed by an examination of the boundaries in the Acadian period, that is, from the Virginia Patent, 1606, to the Treaty of Paris in 1763, when Canada came into the possession of Great Britain. An examination of the boundaries in the English period, 1763-1783, follows, with especial attention to the efforts which were made to locate the river St. Croix; and the monograph closes with a consideration of boundary questions in the Loyalist and later periods. The discussion throughout is characterized by clearness and a strong intellectual grasp of the facts under review. Indeed it affords an admirable illustration of the scientific method which is now demanded in any historical inquiry.

The rightfulness of the legal claim advanced by the state of Maine in the northeastern boundary controversy Professor Ganong fully concedes. The original charters, documents, maps, etc., he says, point irresistibly to the conclusion that Maine was right in her contention. All the principal men in New Brunswick, moreover, whose duty required them to examine minutely into the documents of the case, admitted the full American claim. In 1814 the New Brunswick legislature admitted this claim, and so at least in part did the British government the same year in asking for a cession of territory to preserve the communication from Quebec to New Brunswick. Furthermore, the British claim to the Mars Hill highlands as a boundary did not make its appearance until after 1814. It was tentatively advanced in 1815, had not been elaborated in 1817, and made its first formal appearance in the controversy in 1821, in the argument of Ward Chipman. Professor Ganong's position is indicated by this further statement: "Had Mitchell's map proven to be accurate, or had the commissioners had an accurate modern map before them so they could have made their description accurate, or had they annexed a marked copy of Mitchell's map to the treaty, the controversies over the question could not have arisen, and Maine would, I believe, include the Madawaska region and would extend to the highlands south of the St. Lawrence."

But while conceding the rightfulness of Maine's legal claim throughout the northeastern boundary controversy, Professor Ganong somewhat severely criticises her conduct as a party in the controversy. He says: "But while I think Maine's legal right to her claim is clear, I can by no means justify the conduct of Maine in endeavoring to force these extreme rights. Her right to the territory in dispute was not due to her discovery, exploration, or settlement of it; it was purely accidental. Moreover, the territory was of comparatively slight value to her; she had not a settler upon it nor a road to it for half a century after the treaty was signed. On the other hand, it was settled in good faith by British subjects, and was not simply valuable, it was invaluable to Great Britain. That under these circumstances Maine insisted upon the uttermost letter of her rights, refusing all accommodation until any other settlement was hopeless, is by no means to her credit. If Great Britain appears to disadvantage in employing diplomacy to save what she legally

had lost, in another way Maine appears to at least equal disadvantage in her Shylockian even though legal policy."

In other words, Maine, like the cold, selfish, heartless, grasping Jew of the *Merchant of Venice*, insisted upon the utmost limit of her claim. But is this a fair statement of the case? Professor Ganong minimizes Maine's interest in the disputed territory. That interest antedated the Revolution. It was the great hope of the people of Maine, as it was of all New England, that Canada would form a part of the new nation. When the war closed, leaving British possessions to the northward and eastward of the district of Maine, the boundary line was not a matter of slight importance on this side of the border, even if there was not a single Maine settler in the disputed territory. If that territory was valuable, even invaluable to Great Britain from a military point of view, so it was also to Maine and to the United States. In two wars with Great Britain our people had tested their strength with the mother country, and the possibility of another conflict could not be overlooked.

But although during the boundary controversy Maine stoutly asserted her rights in accordance with the provisions of the treaty of 1783, she did not refuse to listen to propositions having in view concessions on her part; in other words, her spirit was not "Shylockian." When in 1826, in accordance with the treaty of Ghent, an attempt was commenced to settle the boundary controversy by arbitration, Maine, though opposed to arbitration, acquiesced in the attempt. When again in 1832, in a new effort to settle the boundary controversy, the government of the United States sought to obtain from Maine a free hand, the legislature of the state acceded, and declared its willingness to consider a proposition for the relinquishment of her claim to the territory in dispute, on the ground of a suitable indemnity. The same willingness was manifested in the final negotiations between Mr. Webster and Lord Ashburton, and Maine accepted the proposed indemnification.

It is not forgotten that Professor Ganong, in saying that Maine in the northeastern boundary controversy adopted a "Shylockian" policy, admits that Maine finally assented to accommodation, but he says it was only when "any other settlement was hopeless." Yet Professor Ganong in his reference to the final decision makes this statement: "Maine was in part compensated by a large sum paid her by the United States, though it must by no means be inferred that this prompted her decision, for her stand in the matter had unquestionably been taken upon principle, and her consent was given for the good of the Union." In all probability, some things were learned by Maine in the progress of the controversy, but a review of all the facts seems to justify the opinion that her stand in the matter was upon principle throughout. Neither selfishness nor avarice characterized her conduct. Her course was consistent and patriotic from the beginning of the controversy to its close, and it was because of her firm and intelligent action that the British claim, which was without legal foundation, was not pushed to a successful termination.

HENRY S. BURRAGE.

*Political History of the United States. With Special Reference to the Growth of Political Parties.* By J. P. GORDY, Ph.D. In four volumes. Vol. II. (New York: Henry Holt and Co. 1902. Pp. 581.)

THIS, the second volume of Professor Gordy's work, bears a new title. The preface says: "The title under which the first edition of this work appeared, namely, '*A History of Political Parties in the United States*,' was found to be inapt, as not properly indicating the subject-matter, and as causing the work to be confused with ephemeral campaign histories. It has therefore been determined to call it what it is — a *Political History of the United States*." The change of title does not, however, imply a change of plan. Political parties receive nearly as much attention as in the first volume; and their importance is recognized both in the full title and in the running half-title.

The period covered extends from Madison's inauguration in 1809 to the election of Jackson in 1828, a scant twenty years. Between these dates occurred Madison's diplomatic duels with Canning and Napoleon; the War of 1812; the acquisition of the Floridas; the announcement of the Monroe doctrine; a great migration into the valleys of the Ohio and the Mississippi; the rise of the question of internal improvements to a position of high importance; a rapid development of manufacturing in the northern and middle sections, due in large part to the embargo and the war; the consequent adoption by these sections of the policy of high protection; the suicide of the Federalist party; the temporary conversion of the Republican party to Federalist doctrines; the democratizing of state constitutions; the early stages of the organization of a new and more radical Democracy under the leadership of Jackson; the beginning of a general reconstruction of the party system; and two seasons of financial and economic disaster, one before and during the war, the other culminating in 1819.

In apportioning this large and important field Professor Gordy gives to the period which precedes the war, a space of three and a fourth years, considerably more than a third of the entire book. The events of this period which he narrates relate in the main to diplomatic history; it is the story told with exceptional clearness of the struggle of Madison to maintain against Canning and Napoleon the rights of the United States — a struggle made ineffectual not so much by Madison's lack of astuteness as by the treachery of Republican leaders in the Senate, and by the cowardice of the Eleventh Congress.

Four chapters, each of great value, cover the war period. The subjects are "War Legislation," "Bankruptcy of the Government," "The Hartford Convention," and "The English Liberals and the American Federalists." Despite Professor Gordy's well-deserved reputation for even-handed justice, I think that in the last two of these chapters the Federalists are treated with undue severity. It is true that they erred in judgment and were deficient in patriotism; but it was good luck rather than

wisdom or patriotism that saved their opponents. Jefferson was probably right in thinking that "if the war had continued a year longer it would have upset our government." The undeniable coldness of the Federalists towards the Union before and during the war was due in the main to the mismanagement of its affairs by the Republicans during the period from 1807 to the close of the war.

The chapter on "The English Liberals and the American Federalists," after quoting the censures of the Tory government by the Liberals because of its injustice to the United States, affirms that "the Federalists were much more ready to excuse England in her violation of our rights than were the English Liberals." There is truth in these assertions, but something that needs to be noted is left unsaid. Both the American Federalists and the English Liberals were parties in opposition; and each criticised the government, or the party in power, as is the wont of such parties. If in doing this the American opposition party went further than the English, it should be remembered that the American had more to complain of, and that in 1812 the restraining influence of national sentiment was less felt in the United States than in England—a fact which explains and excuses much in the conduct of Republicans as well as of Federalists. What was wholly virtuous when done by the English party in opposition does not become wholly vicious when done by its American counterpart.

In the following chapter, New England, at that time under the control of the Federalists, is made responsible for the refusal of Congress to follow "the lead of Madison and Gallatin in 1809"; for "if England and Napoleon had been given the alternative of ceasing their aggression or of going to war, there is great probability that the war would have been fought against France alone. In such a war the whole country would have been united." But the Congress that refused to follow the lead of Madison and Gallatin in 1809 was not under the control of New England or of the Federalist party. How then can they be held responsible for its conduct?

But if I could establish my contention as to these and other points that seem to me in some degree questionable, it would not detract sensibly from the many and solid merits of this book. Professor Gordy has sought by unsparing effort to find the truth, and to tell it conscientiously. Each chapter is well wrought out and is instructive. The first volume was very good; this is better; and the reader will wait with impatience for those—more than two, I venture to hope—that are to follow.

ANSON D. MORSE.

*The Civil War and the Constitution, 1859-1865.* By JOHN W. BURGESS. [American History Series.] (New York: Charles Scribner's Sons. 1901. Two Vols., pp. x, 320; vii, 347.)

PROFESSOR BURGESS has come so near writing the whole of this series that it does not strike one as an instance of the co-operative method in history work. His *Civil War* should be judged, I think, as any other



history of the war should be judged. True, his space was limited; and the title may, I suppose, be taken to indicate another limitation. But he has found space enough, one fancies, to set forth with considerable fullness all the views which he himself felt to be important concerning disputed questions. He is not given to hints or adumbrations: on the contrary, he is always positive, and usually, notwithstanding his apparent indifference to style, he is also clear. The fact that this book is one of a series does not, therefore, prevent the reader from feeling that it is decidedly Professor Burgess's book throughout, and that it is a fairly complete presentation of the American Civil War as Professor Burgess sees it. That he sees it from the point of view of "political science," rather than the point of view of one human being concerned about the life of a great mass of human beings in a former period, would be apparent from a very cursory examination, even if he were not at pains to tell us so many times in the course of his narrative.

Beginning with a study of Davis, Lincoln, and Douglas, as the three principal figures, the three storm-centers of the agitation and debate which immediately preceded the disunion movement, he goes on, in his second chapter, to discuss the antislavery sentiment in the south, and makes, I think, his best contribution to an understanding of the situation there in his account of the rise of a *bourgeoisie* in the southern towns and cities, opposed politically and industrially to the dominance of the planters. These two chapters are the most readable in the book. All the principal events of the year 1860-1861 are then stated, dryly and straightforwardly, with comment and criticism which is always intelligent but never imaginative or sympathetic. A decidedly national view of the Union is maintained throughout, and little concession is made to the theories of the Southerners or the Copperheads. In later chapters, the campaigns and battles are related very much as if they were operations in the *Kriegsspiel*. We learn in each case the names of commanders, the numbers and the situation of the forces, the plans of battle, the actual movements, and the results. Meanwhile, though not much attention is given to war finance, the steps in emancipation are followed in the same way. There is a useful review of the governmental changes, all tending to centralism, which came about during the four years; and at the end there is an account of the international complications. What more, for scientific purposes, could one require?

One reflects, however, that by far the greater number of persons who care to read two volumes on the Civil War will not have political science in mind. They will be interested, primarily, in a dramatic and profoundly moving story of human error, suffering, and heroism; and they will—very many of them—still have a notion that history is a department of literature. It would appear, therefore, that this work is meant chiefly for students of political science; and it is not to be doubted that these will find much of interest in Professor Burgess's discussions of various constitutional and political questions, and in his judgments of persons.

His opinion as to the true character of an American "state" is very close to Charles Sumner's. He even finds it necessary to use inverted commas in order to guard the reader against the error of supposing that the region across which Generals Curtis and Price led their armies was the "state" of Arkansas in any but a limited sense at the time of the Pea Ridge campaign. His treatment of the John Brown raid, following the analysis of Southern opinion on slavery, is the severest I have seen in any but pro-slavery books. His estimate of the effect it had in strengthening the disunion sentiment may be right; but many, even of those who agree with him on that point, will find his language rather violent. Brown, we are told, was "a notorious dead beat," had never succeeded in any legitimate business, had never earned any money, had two wives and some twenty children, and had left them to shift for themselves in penury and misery, while he was careering around performing things. . . . Brown had gotten into his first paying business, and he was determined not to have it ruined by publicity." His followers were "twenty-one villains," "Kansas desperadoes." Their performance was, naturally, "villainy": judged from the point of view of the responsibility of men for the means employed in the accomplishment of the plan of world civilization, it was "crime, and nothing but crime, common crime, and public crime." On the other hand, Professor Burgess, notwithstanding his entire rejection of Jefferson Davis's theories, evidently feels much admiration for the Confederate President, and even credits him, rather than Lee and Jackson, with the grand strategy of the Virginia campaign of 1862. This is quite different from the accounts of other writers — Mr. Rhodes's, for example, and Colonel Henderson's, in his *Life of Jackson*. One wishes here that the plan of the series had permitted an exhibition of authorities.

The book, I think, must depend chiefly on the discussions of constitutional points for its chance of a permanent place among the histories of the period. It will scarcely take rank as literature, and it has neither the fullness of detail nor the evidences of original research to justify one in considering it as a rival, say, to the work of Mr. Rhodes. For certain uses, however, its directness and matter-of-fact form may recommend it.

W. G. BROWN.

*Ancora un Po' più di Luce sugli Eventi Politici e Militari dell' Anno 1866.* Per LUIGI CHIALA. (Florence: G. Barbèra. 1902. Pp. viii, 675.)

THIS work of the illustrious Italian historian, Luigi Chiala, is the most important which has yet been published in any language upon the intricate diplomacy of Europe during the year 1866. In the general lines of the account Chiala does not depart notably from the most authoritative works of other Italian writers, but his account is far more detailed and complete than any of these, and not only does he reinforce the general statements of his predecessors with a wealth of documents and of

detail, and with clear and forcible reasoning, which place the loyalty and good faith of the Italian government in that trying period beyond dispute, but by means of numerous edited and inedited despatches of the Italian ministers and special envoys at the courts of Berlin and Paris, juridically estimated and explained, he succeeds in constructing a clear and detailed general account of the changing and conflicting purposes and moods of the Prussian and French governments, such as no Prussian or French historian has yet succeeded in writing.

In 1866 Paris was the center of European diplomacy. France for the last time in the nineteenth century was looked to as a determining factor in international disputes, and down to the Battle of Sadowa Napoleon III. was the arbiter of the destinies of Europe. Happily, at this time Italy was represented at Paris by one of the ablest diplomatists ever in her service, Conte Nigra. Well received at the French court owing to the well-known friendship of Napoleon III. for Italy and owing to his own intimacy with the Empress, the keenly observing Nigra was able to keep his government remarkably well informed, not only upon the varying moods and ambitions of Napoleon III., but also upon the diplomatic attitudes of Prussia and of Austria, which were largely determined by the policy of the French Emperor, and which were for the most part well understood at Paris. The diplomatic correspondence of Nigra, largely inedited, has been at Chiala's disposal, and is freely quoted and ably commented upon throughout the work. These despatches, characterized by keen and clear judgment, form a most important addition to the sources of the historian upon the diplomacy of 1866, already so abundant, thanks to the indiscretions of Benedetti and of La Marmora, and to the revelations made for political purposes by Bismarck. For the student of general European history, of scarcely less importance than the diplomatic correspondence of Nigra is that of Conte Barral, Italian minister at Berlin, and that of Generale Govone, Italian envoy extraordinary at the same court, both also largely inedited and quoted at length by Chiala.

For the more particular history of Italy, Chiala reveals to us many unpublished primary sources, of which the most important is a portion of Part II. of La Marmora's famous *Un Po' più di Luce*, here reproduced at length in the most extended of the appendixes. La Marmora had refrained from publishing this, owing to the lively remonstrances made even by those most devoted to him, on account of the indiscretions committed in the publication of Part I. Of Part II., the military portion had been submitted to the general staff of the Italian army as an aid in the compilation of the Italian official work, *La Campagna del 1866 in Italia redatta dalla Sezione Storico del Corpo di Stato Maggiore*, and therefore is omitted by Chiala; the political portion, which now for the first time sees the light, relates to the events of the first two weeks of August, and bears irrefutable testimony to the important service rendered to Italy by La Marmora in obliging the King and the government to make peace after the armistice by Prussia at Nikolsburg. Among important inedited documents relative to the direction of the Italian campaign, the

greater number procured from private archives and here quoted in abundance in appendixes and in the text, are letters of Cialdini, La Marmora's fellow commander; a memoir and letters of Petitti, adjutant-general of the army; and a diary of Pettinengo, minister of war. Apropos of Vittorio Emanuele's intractableness as commander-in-chief of the army in 1866, two most interesting letters are given, addressed to Cavour in 1859 and revealing at once the violence of the King's temper and his high opinion of his own abilities as a military leader. It should be noted that scarcely a document is quoted upon the Battle of Custoza itself, of June 24, which, treated at length by Chiala thirty years ago in his *Cenni Storici sui Preliminari della Guerra del 1866 e sulla Battaglia di Custoza*—a work which remains to-day authoritative,—is dismissed in the present volume with a passing reference.

In coördinating the large number of documents at his disposal, Chiala has followed the method adopted by him in many of his other works. Of the briefer documents, those most pertinent to the immediate scope of the author are skilfully arranged so as to form, with the aid of critical introductory and connecting paragraphs, a continuous narrative; the lengthier and the less pertinent documents are given in appendixes. The main theme, the development of which gives unity to the work, is the vindication of Italian loyalty toward Prussia during the alliance and war of 1866, and more especially the vindication of the uprightness of the Italian statesman and general, La Marmora, who had been the special object of attack for writers of the Prussian school, of which von Sybel's *Begründung des deutschen Reiches* is a typical product. Mutual distrust between the Prussian and Italian governments was born with the first preliminaries of the treaty of alliance, and had its origin in the very reason for the alliance itself. This mistrust on the part of Prussia was directed especially against La Marmora, who frankly showed from the first his reliance upon the friendship of France toward Italy. Unfortunately, inaccurate and false official reports from Usedom, the bungling minister of Prussia at Florence, and of Bernhardi, Prussian councillor of legation, aggravated this mistrust; and, unfortunately again, these reports have been accepted as trustworthy by all Prussian historians, unverified by a critical comparison with other documents which the lapse of time has brought to light. The reports of Bernhardi to von Moltke, now filed in the state papers of Prussia, formed a primary source for von Sybel; and the minute diary of Bernhardi, now in the course of publication under the title *Aus dem Leben Theodor von Bernhardis* bade fair to furnish a new fund of calumnies for von Sybel's successors. Chiala, however, has been willing to undertake the thorough and difficult examination of documents from which the German historians have shrunk, and the present volume, which is the result of his critical work, so successfully demonstrates the utter incapacity of the Prussian legation at Florence, and with such a breadth of view and mastery of detail exposes the falsifications and misjudgments of Usedom and of Bernhardi, that one may reasonably expect that no German historian of repute will in future dare

to repeat the calumnies of the past against Italy and against her unfortunate La Marmora. Chiala has certainly earned the gratitude of historians by his earnest, critical account, as well as by the wealth of documents which he has brought within their reach, and his volume takes its place among his other works as second in importance only to his well-known publication of the letters of Cavour.

HARRY NELSON GAY.

*The Story of the Mormons. From the Date of their Origin to the Year 1901.* By WILLIAM ALEXANDER LINN. (New York: The Macmillan Co. 1902. Pp. xxiv, 637.)

RELYING mainly on original Mormon publications, the author has succeeded in giving the first critical and thorough treatment of a "long unwritten chapter of American history." In Book I. he shows from rare and suppressed sources that the Mormon origin depended on the credulity and superstition of the Smith family; the chapter on the origin of the *Book of Mormon* is not so satisfactory. External evidence is against its early fabrication by Smith's later associate, Sidney Rigdon; internal evidence makes the *Mormon Bible on Plates* authentic and of some historical interest. First published in 1830, it contains echoes of the anti-Catholic campaign, the Antimasonic agitation in western New York, and the so-called Washingtonian temperance movement. There are also to be found verbal quotations from the *New England Primer* and Paine's *Age of Reason*. If the fraudulent character of the Mormon canon cannot be established, duplicity was yet a mark of its author. Upon the removal of the infant church to Ohio, as described in Book II., Smith claimed as his own the semi-communistic system of Rigdon, and upon the failure of the Kirtland Safety Society Bank, repudiated his debts and fled to Missouri. Here his land speculations were merely symptomatic of the panic of 1837, but his advice to the Saints to abandon their possessions and come to the land of promise brought trouble. What the new converts had lost in the east they were told they might make up in the west by "appropriation of the good things of the Lord." It was this spoiling of the Gentiles that ultimately led to the expulsion of the Mormons from their prosperous settlements in Jackson county. Upon the founding of Far West, Smith succeeded in imposing the tithing system upon his followers, but the attempt to recoup themselves by counterfeiting was another cause for the beginning of active hostilities. Rigdon's notorious Fourth of July oration against the "uncircumcised Philistines of Missouri," in addition to the charge of tampering with slaves, brought about election-day riots and a speedy state of civil war. Both sides were to blame in this. Smith's defiance of the authorities was followed by the massacre at Hawn's Mill, while Governor Bogg's order of extermination was but a result of the depredations of the prophets' "Fur Company."

Book IV. opens with the forced immigration to Illinois and the unexpected welcome of the Saints, for not only the landowners but the politicians were friendly to the rapidly growing church. The Mormon vote

was deemed important by both Whigs and Democrats, but Smith showed his lack of political sense by vacillating between the two parties, for example, scratching the name of Abraham Lincoln on the electoral ticket, although the latter had been instrumental in granting to the Mormons the charters for the Nauvoo city government and the Nauvoo legion. The prophet had already announced to the faithful his plan of taking the state and ultimately the whole country, and now, after abusing Clay and Calhoun, his name appeared in the *Times and Seasons* as candidate for President of the United States! Such absurd pretensions, however, could not hide the dissensions agitating the Mormon body politic. Upon Major Bennett's threat to expose the rotten social conditions at Nauvoo, he was expelled from the church, but not until after giving damaging evidence against the prophet as originator of the spiritual wife doctrine. The rebellion against Smith's polygamous teachings was further disclosed in the issue of the *Expositor*. When this independent journal was wantonly destroyed, the non-Mormon residents organized and armed, demanded of Governor Ford the arrest of the Smiths and landed them in Carthage jail. After the unjustifiable murder of the "martyrs" Joseph and Hyrum, Brigham Young came to the front and was the leader in the evacuation of Nauvoo, necessitated by the continued hostility of surrounding counties.

The migration to Utah is the subject of Book V. Back of this movement with all its hardships was the aim of the church to form a little empire of itself, which was to be self-supporting as well as independent. But the rapid settlement of California by the "forty-niners," and the connection of the two coasts by rail upset the Mormon plans and disclosed the impotence of Mormonism against modern progress. Meanwhile thousands of illiterate converts were drawn from Great Britain and Scandinavia to Utah by false pictures of prosperity. Fortunately the threatened starvation of the first winter was prevented by the influx of gold-seekers, but Young's schemes for economy in the emigration fund led to the later tragedy of the hand-cart expedition. The ambition of the Mormon leaders for political independence was shown in the adoption of a constitution for the state of Deseret, and their confusion of ideas in their application for a territorial delegate. Among the causes for the growth of Young's despotism, Mr. Linn gives the non-interference of the Federal authorities, the helplessness of the new-comers from Europe, the influence of superstition, and the system of church espionage. Of the reality of "blood atonement" demanded of the discontented, and of the actuality of church-inspired murders, evidence is given from official sources. So the responsibility for the Mountain Meadows massacre is attributable to Young because of the fatuous appointment of him as territorial governor. Connected with this were the incendiary teachings in Salt Lake City, Buchanan's discovery of Young's despotism, and the seditious attitude of the Mormons during the Civil War, because of Lincoln's let-alone policy. But with the building of the Pacific railroad the Mormons lost power, and the courts were enabled to indict the



leaders for their polygamous practices. Mr. Linn, besides correcting exaggerated views of Young's executive ability, has given the first consistent account of the fight against polygamy. The final chapter gives as salient points of the Mormonism of to-day,—polygamy traded off for statehood, but still a living doctrine; false promises of prosperity to the older converts, but the continued fidelity of the younger members; decreased foreign membership, but increased political power in the west. Closing with a sketch of the persistent Mormon ambition for political supremacy, the author dwells on the vital importance of a Federal Constitutional amendment against polygamy. The book is thoroughly indexed and well illustrated with documents from Mormon sources.

*Colonial Government: An Introduction to the Study of Colonial Institutions.* By PAUL S. REINSCH. (New York: The Macmillan Co. 1902. Pp. x, 386.)

*Essays in Colonization.* By ALBERT G. KELLER, Ph.D. (Reprinted from the *Yale Review*, August, 1900, May, 1901, February and May, 1902. Pp. 175-190, 30-52, 390-416, 1-26.)

DR. REINSCH has done a serviceable work in bringing into small compass and orderly form the essential facts of colonization. In a brief introduction the modern aspects of colonial enterprise are noted, in contrast with the older, and his own definitions of "colony" and differentiation of colonies are set forth. The distinction which he makes the basis of his classification of colonies is one which is generally recognized but not so definitively characterized as in his terms "settlement" and "exploitation" colonies. These connote both the character of the population and the location of the colonies as to latitude, for each type has its zone.

The work then proceeds, not at first in the paths of the various European discoveries and colonial ventures, but rather across these, to question as to the motive of their undertaking. Adventurer, merchant, missionary, capitalist, and exile are alike hailed on their voyages, and their cargoes or purposes inspected. In this way the movements of population and the motives of colonization are exhibited in brief space. A swift journey through the regions settled or controlled by European enterprise discloses the methods in which these individual motives have expressed themselves.

The second part of the book is devoted to a description of the general forms of government under which European states have organized their relationship to their dependencies and have exerted control, running the colonial gamut from spheres of influence, colonial protectorates, and chartered companies, through direct administration, representative institutions, and self-governing colonies to colonial federation. Here is presented in brief space a very suggestive and comprehensive view of colonial governments. The description is full enough and clear enough to give one unfamiliar with the subject an intelligent notion of the characteristics of the varied forms of colonial life, and yet so full of interest

as to impel one to a quest of the literature to which the ample bibliographies of the meager chapters give reference.

And what is said of the second part as fitly characterizes the third, which has to do with the "institutions of colonial government"; first with the organs of control in the mother-country and the legislation there enacted, then with the institutions in the colonies themselves, their municipal and local government, and their laws and courts.

This volume of "The Citizen's Library" is profitable both for correction and for instruction. It should be of value to the citizen in correcting erroneous notions about "empire" and "colony," and of value to the college teacher in giving this succinct, lucid, and suggestive statement, a syllabus which may be very profitably used as the basis of instruction in this subject. We in America have been needing such a work for two or three years, and it must be a satisfaction to many that the accurate scholarship of Dr. Reinsch has at last brought it forth.

Dr. Keller's little book is a reprint of four articles by the author from *The Yale Review*. The first relates to Italian expansion, the others to German colonization and colonial policy. They are simply the following of two veins which a cross-section study such as that of Dr. Reinsch discloses. The story of Italy's expansion and attempted colonization is as brief as it is full of disaster and disappointment. She had hoped by taking thought to add to her stature, to come again into the glory and power of empire which once lodged within her borders; but her megalomania, which saw a great dependency grow almost in a day in northeast Africa, saw it dwindle again, even more rapidly than it had been built, into little more than a sand-spit on the shores of the Red Sea. Dr. Keller calls especial attention to the greater advantage which a cultivation and fostering of "natural colonies" in South America would give to Italy. She has already had greater commercial benefit from these than from Eritrea at its best.

The story of German colonization is also brief. Although it seemed that all the available portions of the earth had already been appropriated when Germany came into the world's councils and into a desire for world dominion, she has yet been able to gather a few fragments in Africa, to gain a foothold in China, to develop an interest in Asia Minor, and to pick up some scattered islands in the Pacific. But the strength of the Germans is in settling new countries (already politically preempted by others) and in contributing to the "formation of the effective races of the future." Her real empire promises to be of the sea rather than of the land, commercial rather than political.

These interesting essays of Dr. Keller in Italian and German colonization are suggestive of a new sort of knowledge with which our present "science of society" must be informed.

*The Mastery of the Pacific.* By ARCHIBALD R. COLQUHOUN. (New York: The Macmillan Co. 1902. Pp. xvi, 440.)

MR. ARCHIBALD COLQUHOUN is a well-known traveller and newspaper

correspondent; he has had administrative experience both in Burma and in Mashonaland; and he has produced many descriptive works on the far east. His latest volume consists of well-illustrated chapters upon the political and economic condition of the powers that control the Pacific Ocean. To the United States is allotted four chapters, to Great Britain, five, to the Dutch, three, to Japan, two, and to the other powers, Germany, France, Russia, and China, only one. An introductory chapter of about twenty pages is given to the history of the Pacific, and that chapter alone demands attention in this review. It contains a summary of the ethnology of the Polynesians and the Malays, and a few paragraphs upon the early history of the Europeans in the Pacific. These paragraphs are so condensed that it is not possible to criticise them in detail. It may be that Mr. Colquhoun has never really studied the history of Europe, or it may be that the difficulty of condensation has caused him to leave a false impression of ignorance. To follow up the remark that "the Batavian Republic was entirely under the thumb of France" with a sentence on the Battle of Waterloo may imply that Mr. Colquhoun is ignorant of the changes which marked the transformation of the United Netherlands by way of the Batavian Republic into Louis Bonaparte's Kingdom of Holland, and eventually into a group of departments of Napoleon's Empire, but it looks like over-condensation. "The Republic of Batavia" is, as a phrase, to be utterly condemned as both inaccurate and sadly misleading. The little bits of history which turn up in the descriptive chapters seem generally to be correct, but it is to be borne in mind that Mr. Colquhoun is a traveller and a journalist, and not a trained historian. His account of his experiences in the Philippine Islands during the early days of the American occupation has much value as material for history, and some of Mr. Colquhoun's statements should be borne in mind in political quarters. Such remarks as "There is no Filipino tongue as there is no Filipino nation" (p. 136) and "Judge Taft is peculiarly the stamp of man to deal successfully with the Philippines" (p. 153) are valuable evidences of contemporary opinion by an experienced administrator, and the usefulness of the chapters on the United States in the Pacific lies in such remarks.

There is nothing of such value in his comments upon the English and the Dutch in the Pacific, for the situation of those powers was not in a critical condition at the time of his visit, but the descriptions of life and character there are excellently written and admirably illustrated. The chapters on the New Japan that deal with the Japanese in Formosa are of much greater value, for the Japanese experiment is still only an experiment, and it is not yet certain whether the Japanese will successfully settle and civilize their conquest. Mr. Colquhoun's remarks on this subject make interesting reading when it is borne in mind that the Japanese, like the Americans, are making their first attempt at a colonial policy in Asia. On the whole, it may be said that Mr. Colquhoun's book is full of interesting matter and that he has provided some descriptive material which may prove of value to students interested in the

political question of the Pacific. The title of his book, however, is somewhat of a misnomer, for his book is rather a description of the powers now at work in controlling and settling the civilization of the lands watered by the Pacific Ocean than a history of the contentions for the mastery of that ocean or an attempt to analyze the elements that will play a part in the future in that contention.

H. MORSE STEPHENS.

*History of the Roman People.* By Charles Seignobos, of the University of Paris. Translation edited by William Fairley, Ph.D. (New York, Henry Holt and Co., 1902, pp. x, 528.) This book is chiefly significant as illustrating the author's idea of adjusting history to the needs of elementary instruction. It is apparently written for the sole purpose of making the history of Rome intelligible and interesting to the mind of the average pupil. It is emphatically a story; and it might be regarded as a protest against the assumption that school-children are critical scholars, capable of appreciating the results of the labors of Mommsen and Ihne and Ettore Pais, as some of our school histories appear to assume. While we may question the propriety of writing an elementary history from the point of view of the historical critic, we may also entertain a serious doubt whether even the most elementary history of Rome should be written to-day as it might have been written half a century ago. Even the "charm so characteristic of French historical writing," to use the words of the editor, will hardly atone for the prominence here given to the Roman legends. In seeking to adapt this work to the use of the American class-room, the editor has reduced some of the "anecdotal material" to a finer type, and some of it he has dropped altogether; and brief critical notes are occasionally inserted to correct the false conclusions that might be drawn from the text. The editorial scissors and pen might with advantage have been used less sparingly. The author has given a few very interesting chapters on some phases of Roman life and customs; but this is often done at the expense of the political history. For example, the same number of pages is given to the description of the Roman army as is given to the constitutional development of the early Republic.

The editor has added four chapters bringing the history down to the time of Charlemagne, to meet "the requirements of our American schools." These chapters, while lacking the simple narrative style of the French author, show quite as much insight into the historical movements described. The editor has generally a very intelligent conception of the transition from the Roman to the medieval period. But what shall be thought of the following statement as setting forth one of the social and economic causes of the fall of Rome? "Another cause of weakness to the Romans was their caste system, which destroyed the ambition of the individual, and made life monotonous and hopeless, somewhat as in India to-day, for the average man. What a man was born, that he must continue to be; if his father was a sailor, or a carpenter, he must be the same" (p. 435).

The bibliographical aids in the form of "sources" and "parallel readings," which accompany each chapter, are among the best part of the editor's work, and are unusually well suited to the work of the classroom.

*Annibal dans les Alpes.* With plans and illustrations. By Paul Azan, Lieutenant of the Second Zouaves. (Paris, Picard, 1902, pp. 234.) This subject has inspired an enormous mass of literature. The bibliography collected by Lieutenant Azan, ranging over the past four centuries, fills nineteen pages of his monograph. Most of these works he has consulted; and he has classified the routes proposed by the various authors in systems and groups of systems with reference to the "*col de franchisement*" of the Alps. This method greatly simplifies the discussion. The basis of his study, however, is the account of Polybius, and to some extent that of Livy, interpreted in the light of a most careful examination of the topography. The result of this inquiry may be given in his own words: "Annibal a passé le Rhône près de Roquemaure. Il a remonté la rive gauche de ce fleuve, puis la rive gauche de Isère, et enfin la vallée de l'Arc. De là il est arrivé au Petit Mont Cenis et a gagné la vallée de la Doire Ripaire par le col du Clapier. L'Ile, le Drac (Druentia de Tite-Live), la vallée du Graisivaudan, le col du Grand Cucheron (commencement de la montée des Alpes), la vallée de l'Arc, la position d'Amodon (leukopetron), le col du Clapier avec son plateau propre au campement, sa vue de l'Italie et sa descente escarpée, jalonnent le parcours dont Polybe nous a laissé le récit."

The author has certainly added new interest to this fascinating subject; and although he does not claim originality in every point, he deserves the larger share of credit for the discovery and exposition of a route which seems to meet all the conditions imposed by the accounts of Polybius and Livy.

G. W. B.

The latest volume of the *Monumenta Germaniæ Historica* — Tomus IV. of the *Scriptorum Rerum Merovingicarum* (Hannover and Leipzig, Hahn, 1902)—is, like its predecessor in this series, devoted to the *Pasiones Vitæque Sanctorum Aevi Merovingici* and, as hitherto, under the able but severe editorship of Bruno Krusch. Fierce has been the strife kindled by his earlier results as to the Merovingian saints, and especially by his conclusions as to the date, the birthplace, and the sources of that important martyrology which has so long borne the name of Jerome. This new volume will hardly bring peace to the critics. It is with a fire and a bitterness which in a dead language are almost uncanny that in his *Epilogus Editoris* he now pays his respects to the "*schola quæ dicitur legendaria*" and to its assaults upon his previous volume. Much milder is the brief preface of Dümmler—alas, that it should be our last from that great editor-in-chief—which points out that the present volume covers the period from the opening of the present century to about 660 and that its contents are the lives of Columban, of Sulpicius of Bourges and

Desiderius of Cahors, of the abbo Furse, of Haimhram (Emmeram) of Ratisbon and Eligius of Noyon, all at least in part genuine, together with several apocryphal biographies, such as those of St. Goar and St. Gall, the passion of Thrudpert of Breisgau, and the lives of the abbots of Remiremont. G. L. B.

*The Life and Times of Alfred the Great.* Being the Ford Lectures for 1901. By Charles Plummer, M.A., Fellow and Chaplain of Corpus Christi College, Oxford. (Oxford, Clarendon Press, 1902, pp. xii, 232.) Mr. Plummer's volume is an effective protest against those who read history backward and a rebuke to those who consider "the greatest name in English History a theme on which any one may try his prentice hand." Few books are more satisfactory in technique and results. It is the most scholarly presentation yet made of Alfred's reign, and in conjunction with the same author's *Two Saxon Chronicles* it deals with practically every important topic, details of legislation excepted.

Seventy per cent. of the work is devoted to the critique of sources and to Alfred's translations with a view to determining authorship, order of succession, and the revelations they afford of Alfred's personality. In this connection the discussion of the *Orosius* is particularly fruitful, while the *Boethius* is treated finely and upon somewhat broader lines than the rest of the book. One-fifth of the entire work is devoted to *Asser*. Mr. Plummer concludes that the attempt to treat it as a forgery of the eleventh and twelfth centuries has broken down and that in the present text, dating about 975, there is a "nucleus which is the genuine work of a single writer, a South Walian contemporary of Alfred," and he knows no reason why the author should not be Asser of Menevia. The work must be used with criticism and caution, on account of interpolations and Asser's "Celtic imagination." Asser did not write the *Anglo-Saxon Chronicle*. Mr. Plummer's critique leads him to reject the myths which make Alfred the founder of Oxford University, inventor of shires and the jury system, monarch of all Britain, the coward who flees to Athelney, and the burner of cakes. Asser's tale of the picture-book appears to be true.

The following passages deserve especial mention: that which reinforces Stubbs's interpretation of Alfred's title "secundarius" by Celtic analogies; and the foot-note on page 176, which equates Saxon technical terms of officers and institutions with the corresponding Latin ones by means of Alfred's translation of *Bede*.

O. H. RICHARDSON.

*Companion to English History, Middle Ages.* Edited by Francis Pierrepont Barnard, M.A., F.S.A., with ninety-seven plates. (Oxford, The Clarendon Press, 1902, pp. xv, 372.) This series of short essays is designed to put at the service of teacher or student of English medieval history the means of acquiring something more of the "culture-history" of the people than is to be found in the ordinary text-book



prepared for school uses. The authors are for the most part well-known and their names already associated with the several themes which are here assigned them. Thus Mr. Gotch writes upon "Domestic Architecture"; Oman, upon "Military Architecture and Art of War"; Oppenheim, upon "Shipping"; Lucy Toulman Smith, upon "Town Life"; Jessop, upon "Monasticism"; Leadam, upon "Trade and Commerce"; and Hartshorne, upon "Costume, Military and Civil". Other subjects treated are "Ecclesiastical Architecture", Galton; "Heraldry", the editor; "Learning and Education", Rait; and "Art", Rushforth.

Unlike many books of this composite character, the work is uniformly excellent. The editor, however, has not been sufficiently watchful. Yet where there is so much of high quality the reviewer may well hesitate to notice such slips as the misspelling of the name of Bishop Stubbs, or the misquoting of the title of Mr. Cunningham's well-known work. We may also pass over in silence an occasional repetition or even inconsistency of statement. The latter perhaps is almost unavoidable where many authors write upon topics which are related in time and hence frequently overlap or merge along ill-defined borders. Such faults are to be charged to this method of making books.

It is, however, a serious oversight that such short shrift is given to the friars and the military orders. They certainly deserve as full treatment as the Benedictine monasteries. It is true that Mr. Jessop excuses himself for not treating the friars in treating of monasticism, on the plea that "the brothers" were not really monks. That may be so; but then the author should have been assigned a topic big enough to cover the entire field of religious fraternities. The essay of Mr. Rushforth is open to a criticism of another kind. The treatment is not only meager but dry and lifeless. After wading through this small Sahara, one is not surprised to find the author acknowledging, with an evident sense of relief to be rid of the business, that England has never been the home of a great art. Possibly Mr. Rushforth's studies in classical art, in which he enjoys a well-deserved eminence, have unfitted him to appreciate the attainments of his own countrymen toiling in the obscurity of a humbler age.

The book as a whole will certainly be regarded as a valuable acquisition to the working library of the teacher of English history and a special boon to the man who has not ready access to many books. The vast array of technical material which has been packed into these brief essays cannot for obvious reasons be treated in the ordinary text-book, and yet some treatment of these topics is essential to any worthy study of the life of medieval England.

B. T.

The second volume of Professor Kovalevsky's *Oekonomische Entwicklung Europas*, which has lately appeared in German translation (Berlin, R. L. Prager), will be welcomed by all who are interested in the history of institutions. While the author's interest is chiefly on the eco-

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nomic side, the book is one of the best examples of historical work yet given us in economic lines. Professor Kovalevsky has already proved himself superior to the temptation which so often assails the works in economic history, and especially in sociological, to theorize on an insufficient basis of fact; and the conclusions of this book, whether one accepts or rejects them, are plainly reached by a careful study of the texts. The volume is concerned with the institutions of the feudal age. It opens with a study of the origin of feudalism; the second chapter deals separately with the Anglo-Saxon origins; and the third with the old German mark, in which issue is taken on several points with the conclusions of Fustel de Coulanges. The remaining chapters deal almost exclusively with the economic side of feudalism in France.

It is encouraging—it is indeed the mark of a new era of study—to see the line drawn so consciously between the economic and the political sides of feudalism as the author draws it, to have the question of the origin of the economic side treated as something which can be studied and settled almost entirely apart from the question of the origin of the political side. The writer of this notice would personally like to modify some of the author's minor points—as in regard to some of the results of the Roth-Waitz controversy and the interpretation of Bishop Oswald's letter—and slightly the phrasing of some of his conclusions, but these are not essentials. In its general features the treatment here given of economic feudal institutions and their origins, in England as well as on the continent, is to be commended to the careful study of all who are interested in medieval history.

G. B. A.

*Actus Beati Francisci et Sociorum Ejus.* Edidit Paul Sabatier. [Collection d'Études et de Documents sur l'Histoire Religieuse et Littéraire du Moyen Âge, Tome IV.] (Paris, Fischbacher, 1902, pp. lxiii, 271.) The foremost Protestant authority on St. Francis has added another to his already numerous and valuable publications relating to the life and work of this saint, by editing the *Acts* of St. Francis and his companions, a compilation which he dates not later than 1328. The edition is modestly described as provisional, but it is not likely that any one will soon wish to review the same ground. The editor's chief authority for the text is a late fifteenth century manuscript, now in the possession of the University of Paris, but several other manuscripts are compared, including the six of the Bollandists. In the developing Franciscan legend the *Acts* rank thus: 1. The *Speculum Perfectionis* of Brother Leo, already edited by Sabatier. 2. Bonaventura's *Legenda*. 3. Our *Actus*, which in turn underlie the *Fioretti*, also edited by Sabatier (*Floretum S. Francisci Assisensis*).

In the preface to the work in hand, Sabatier comments upon the historical value of the Franciscan records, declining for his own part to be numbered with the critics who would resolve all questions by the short and easy dilemma, "true or false." Then follows an adequate descrip-

tion of the manuscripts employed ; then the text, clearly and attractively printed ; and lastly a good index. There is also a convenient table of comparison, to show how far the chapters of the *Fioretti* correspond with those in the *Acts*. Sabatier thinks the *Acts*, in their present form, lack some chapters which stood in the original, and contain others, *e. g.*, 61–66, which were not in the original. He believes the chief compiler to have been Hugolin de Monte Giorgio, about whom, however, little is known. Of course history and legend mingle in the *Acts*. The editor points out that stories of the founder tend to repeat themselves in the lives of his disciples (see *e. g.*, *Acts*, Chap. 49). Another sort of development appears in Chap. 31, where a striking resemblance is noted between what the devil says to Rufinus and what certain cardinals once said to St. Francis.

J. W. P.

*Life and Letters of Thomas Cromwell.* By Roger Bigelow Merriman. (Oxford, The Clarendon Press, 1902, two vols., pp. viii, 442 ; iv, 356.) Much the greater part of this work consists of documents bearing on the life of the great minister of Henry VIII. Of these, the letters fill a considerable part of the first volume and all of the second. In searching out and publishing these documents Mr. Merriman has done a service to the students of the period, as a number of the letters appear here for the first time in print. The life of Cromwell, which fills about half of the first volume, is a careful piece of research. On the obscurity of Cromwell's early life it throws little new light, though it does correct certain errors into which previous investigators have fallen. There is, of course, much material for an account of his life while he was in power, and this Mr. Merriman has sifted with much care, following, as he says in his preface, Mr. Owen Edwards's "Lothian Prize Essay" of 1887 in his general arrangement. While the work forms a careful and scholarly study of Cromwell, one may be permitted to express a regret that the style lacks in finish and clearness. The book is, presumably, a thesis for an advanced degree, and it has the defects of its qualities, as well as the virtues. As to the conclusion of the whole matter, Cromwell's place in history, we may not all agree, perhaps, with the characterization of the preface, but it is not the less interesting on that account. "Though it would certainly be difficult to overrate his importance in the history of the Church of England, I maintain that the motives that inspired his actions were invariably political, and that the many ecclesiastical changes carried through under his guidance were but incidents of his administration, not ends in themselves. Consequently any attempt to judge him from a distinctively religious standpoint, whether Catholic or Protestant, can hardly fail to obscure the truth. I cannot agree, on the other hand, with those who have represented Cromwell as a purely selfish political adventurer, the subservient instrument of a wicked master, bent only on his own gain. It seems to me as idle to disparage his patriotism and statesmanship as it is to try to make him out a hero of

the Reformation. He merits a place far higher than that of most men of his type, a type essentially characteristic of the sixteenth century, a type of which the Earl of Warwick in England and Maurice of Saxony on the continent are striking examples; a type that profoundly influenced the destinies of Protestantism, but to which theological issues were either a mere nothing, or else totally subordinate to political considerations."

Under the grim title *Terrors of the Law* (London and New York, John Lane, 1902, pp. 129), Francis Watt, favorably known for his learned and picturesque essays on British legal antiquities, presents vivid portraits of Jeffreys, Lord Advocate Mackenzie, and Robert, Lord Braxfield, the original Weir of Hermiston. All three of the papers have previously appeared in periodicals, that on Mackenzie in the *Anglo-Saxon Review*, the two others in the *New Review*. The estimates are intensely lifelike, and perhaps the characterization of Jeffreys may contribute somewhat to modify the conventional view of Macaulay's monster. Since the first publication of Mr. Watt's essay Mr. H. B. Irving has issued his more elaborate vindication of the notorious judge. The essay on Braxfield, which opens with a graphic description of the state of Edinburgh toward the close of the eighteenth century, is the most complete account in print of that interesting if not historically important person. The whole book throws light on the judicial procedure of a century or two ago. Of the three portraits which illustrate the text, that of Braxfield, after the picture by Raeburn in the Parliament House, Edinburgh, is particularly striking.

A. L. C.

*Father Marquette.* By Reuben G. Thwaites. [Appletons' Life Histories.] (New York, D. Appleton and Co., 1902, pp. xv, 244.) The completion of the new edition of *The Jesuit Relations* has given Mr. Thwaites an opportunity of popularizing some of the narratives which he has so closely studied. The Canadian mission to the west had no more saintly character on its roll than Marquette, and the story of the nine years of his life that were spent in the missionary field is told in a simple and interesting manner. The book is one for young people, for whose benefit explanations of non-familiar names and objects are given, and for whom no references to authorities are required. Mr. Thwaites has perhaps placed too high a value upon the share which Marquette had in the great discovery. Joliet was a bold and active voyageur, accustomed to long journeys into the wilds, whose enterprise and judgment had impressed themselves on two good judges. Talon and Frontenac. Marquette was appointed by, and represented the church, always on the lookout for missionary stations and opportunities of exercising his spiritual functions, while Joliet, the true explorer, was carefully carrying out his instructions and noting those features of land and river which lent themselves to the extension of the French domain. In his reputation he was doubly unfortunate, first, in losing all his maps and papers within

sight of the termination of his journey, and second, in having for a companion one whose saintly character added fresh glory to the powerful society, which coveted the further distinction of the discovery of the Mississippi. The volume is illustrated by copies of Marquette's journal and map, borrowed from Volume LIX of the *Relations*, and by photographs of the bronze reliefs on the Marquette Building, Chicago, designed by Mr. H. A. McNeil.

AMES BAIN.

*La Vie Littéraire à Dijon au XVIII<sup>e</sup> Siècle, d'après des Documents Nouveaux.* Par L'Abbé Émile Deberre, Docteur ès Lettres. (Paris, Alphonse Picard et Fils, 1902, pp. 413.) In the present volume the author, who has very recently published his thesis: "Quid Sit Sentientium de Philippi Destouches . . . moribus," reviews the various phases of literary activity in Burgundy in the eighteenth century. The book is divided into three principal parts, devoted respectively to the work done in pure literature and bibliography, in history, and in the sciences; and to these are added a long and rather garrulous preliminary chapter on culture and education at Dijon, a shorter summary, a hundred and five pages of "documents," and an index of names.

Mr. Deberre has two striking personal limitations — his local Burgundian patriotism and his character as priest. Of the first named he has made a virtue; without it he could not have written the book at all. The second makes itself to be felt heavily from beginning to end of his work, principally in restricting his literary horizon to the entirely respectable, which was all in the hands of his fellow-craftsmen and of their intimates of the bar and bench. Thus he does not, for instance, so much as mention the name of Restif de la Bretonne. Yet there are occasional glimpses of the plain truth, and from time to time a good thing well said. The opening words of the concluding chapter, "De cette brillante période littéraire il faut avouer qu'il reste plutôt de grands souvenirs que de grandes œuvres," fit the case exactly; one only wonders that the man who could write them could have sent 288 octavo pages before them.

The student of history may find somewhat to attract his notice in what is said of Lelong and Fevret de Fontette, and more in the chapter given to Courtépée (pp. 193-215). The *Président de Brosses* and the *Dijon Academy* may interest the occasional curiosity of a general reader.

The "documents" are more than common sterile.

B. P. B.

*Studies in Irish History and Biography, mainly of the Eighteenth Century.* By C. Litton Falkiner. (London, New York and Bombay, Longmans, Green and Co., 1902, pp. vii, 362, 32.) "The Irish question," says Lord Roseberry, "has never passed into history because it has never passed out of politics," and, as a result, books on that much vexed subject have too often partaken more of the nature of controversy than of history. In this respect, as in many others, Mr. Falkiner's book has an

advantage over most of its kind in its eminently fair tone and in its freedom from polemics. The series of essays of which it consists have nearly all appeared in the pages of English reviews and magazines, but it is fortunate that their author has seen fit to bring them together in a volume, which includes the main events and characters of the period from about 1780 to 1830. The two essays primarily historical, "The Grattan Parliament and Ulster" and "The French Invasion of Ireland in 1798," are both excellent, the one as a study of the ideas and motives of Protestant Ireland at a most difficult period, the other as a carefully worked out narrative of a relatively little known military adventure. Of the other essays, four are purely biographical, the long studies of Hervey, the eccentric Earl-bishop of Derry, and of Lord Clare, and the slight sketches of Sir Boyle Roche and Thomas Steele, while two, "Castlereagh and Ireland in 1798" and "Plunket and Catholic Emancipation," are at once studies of men and movements. Though Mr. Falkiner acknowledges continually his indebtedness to three authorities, Froude, Lecky, and the *Dictionary of National Biography*, the large and carefully worked out bibliography of each essay, no less than his evident intimate acquaintance with his subject, derived in great part from the use of sources, and his minute reference to his authorities on disputed points, give his book a scholarly character which is, unfortunately, not very usual in works of this class. Above all, this series of essays is eminently readable. The period of which he treats has no longer much more than a sentimental connection with modern English and Irish politics. It is a time full of great events and great men; to these the author has done full justice, and in so doing he has produced a most interesting and instructive book, giving us what is much needed in this field, more light and less heat.

Considerable light is shed on the make-up of the Revolutionary army and the life in the ranks of the Continental army by Charles K. Bolton's *The Private Soldier under Washington* (Scribner, 1902, pp. xiii, 258). The material has been collected with great care, and seems to be used with discretion and judgment. Every important statement is supported by references, and the text itself contains valuable excerpts from contemporary records, diaries, letters, and like material. Such a chapter as that on "Hospitals and Prisonships" gives just the sort of information that the general reader or the more special student seeks to acquire. Anyone who has sought to know the Revolution as it was has experienced the difficulty of getting the knowledge he desired without going straight to original material and without reading at least Washington's *Writings* and kindred sources. This little book enables the student to get something like a view of the War as a real episode in human affairs, not the basis for a patriotic epic. The author makes two references to the valuable "Letters of Ebenezer Huntington" printed in the REVIEW, Vol. V, p. 702; he might well have quoted: "Why don't you Reinforce your Army, feed them Clothe and pay them, why do you Suffer the Enemy to have a foot hold on the Continent? . . . I despise



my Countrymen, I wish I could say I was not born in America." (*Ibid.*, p. 725). It is not the author's intention to explain or criticize, but to describe; but a somewhat more critical examination would have been helpful.

*Rolls and Lists of Connecticut Men in the Revolution, 1775-1783.* [Collections of the Connecticut Historical Society, Vol. VIII.] (Hartford, 1901, pp. xiii, 375.) It has often been asserted that Connecticut furnished more men and supplies to the cause of independence in proportion to population and wealth than any other of the thirteen colonies. Whether this be true or not, this handsome volume is a document of singular importance.

In 1889 the state issued the *Record of Connecticut Men in the War of the Revolution*. It was confessedly somewhat hastily compiled, and was hardly published when many new regimental and company rolls came to light. Efforts were soon made by the Connecticut Historical Society to print these rolls, many of which are in its possession, but the work languished. By a special act of the state legislature sufficient encouragement was given the society to complete the volume which now appears under the capable editorship of the society's secretary and librarian, Albert C. Bates.

The work shows great care, and as constant reference is made to the former *Record* this mass of additional or corrective matter forms a needed supplement to that book. The editor states that "every roll and list here printed is either entirely new or contains sufficient in the way of new names, additional service, or names of the towns from which the men came to justify its printing." Rolls and lists in private hands and the various state offices are printed. Much use has been made of a manuscript volume in the state controller's office, called "Haskell's Receipts," of which the editor says: "The volume is of much interest. It consists of records of accounts preferred by the State of Connecticut against the United States for payments made by the State for wages and expenses of State troops, each of which is certified to by 'E. Haskell, Com' Eastern States.'" Of curious interest (not alone to the genealogist) are the "size rolls," giving in addition to the usual information the size of the men in feet and inches, age, color of hair and eyes, complexion, place and date of birth, etc. All indorsements and explanatory notes on the original lists are given, but they frequently serve to mystify the reader, while the editor's notes are all too few.

The index, which forms nearly one-quarter of the book, is to be commended for its legible type, simplicity of arrangement, fullness, and reduction of the orthographic vagaries of the text. The editor notes that sufficient material is in hand for another volume.

FRANK B. GAY.

*The Eastern Question, a Study in Diplomacy.* By Stephen Pierce Hayden Duggan. (New York, 1902, pp. 153.) In this monograph,

which was presented as a doctor's dissertation at Columbia, the author reviews the diplomatic side of the Turkish question since 1774. A preliminary chapter treats of certain general aspects of the matter, but the subject is really taken up at the treaty of Kainardji and carried through the treaty of Berlin. As a record of treaties and a summary of the more important diplomatic events in the history of the Turkish question the work is of decided value; but the author fails to explain sufficiently the motives of the diplomacy he chronicles, and his labor is thereby stripped of half its possible results, for he has read widely and might easily have continued the method of the clever résumé of conditions within the Ottoman Empire with which his monograph opens. There are a few typographical errors, chiefly in the names, and one notes several misleading but popular statements; such, for example, as (Islam), "which enjoined upon its adherents the duty of exterminating or enslaving the unbeliever" (p. 12). A casual reader would also suppose that the tribute of children by which the Janissaries were recruited was a Turkish innovation (p. 13); and the statement (p. 28) that France uniformly supported Sweden, Poland, and the Ottoman Empire during the period subsequent to the treaty with Austria of 1756 surely requires modification. The policy of Frederick the Great toward the Porte would have been better understood had the despatches published by the Russian Imperial Historical Society been consulted. In fact the period from 1768 to 1795 suffers because of the neglect of diplomatic correspondence which is now accessible in this country. The best chapter is that dealing with the Crimean War and the significance of the treaty of Paris, marking as it did a new starting-point in European diplomacy and superseding the agreements of 1815, is well brought out. The more recent events, in particular the attitude of Russia prior to the outbreak of her last war with the Ottoman Empire, and the policy of the Concert with respect to Crete and Armenia are not so well treated. Modern literature on the subject, such as Bamberg, *Geschichte der orientalischen Angelegenheit*, the articles in the *Revue des Deux Mondes* signed by Klaczko, and the works of Brückner, though not, technically speaking, original material, would have been of service. But in general the book is a useful one, and the spirit which prompts an American scholar to investigate Oriental affairs ought surely to be cultivated.

ALFRED L. P. DENNIS.

The fifth volume of the *Public Papers of George Clinton* (Albany, 1901), which is published as "appendix N, third annual report of the state historian," provokes comment similar to that which, unfortunately, has twice before been applied to this series in the REVIEW (see Vol. VI, p. 391, Vol. VII, p. 402), and impresses one with the immutable character of the editor's genius (see Vol. IV, p. 392). There appears nothing new which justifies commendation, while the futility of earlier criticism is emphasized by the permanence of the discreditable features of this undertaking. The present volume covers the period from

June 1, 1779, to July 10, 1780, and embraces, in their original order, the documents numbered in the manuscript volumes from 2346 to 3064. There is an editorial preface of twelve lines, and throughout the 954 pages the "notes," which are reinforced by the editor's official title, aggregate 75 lines. There is the usual attempt at illustration, with portraits of the heroic cast, as that of Sullivan, and with inappropriate prints, as those of Pulaski and Stark. The lack of an index in an official publication now becomes more striking in view of the fact that the uselessness of a volume thus incomplete has been pointed out in an opinion by one of the justices of the Supreme Court of the state. However, the mechanical process which this editor supervises certainly reduces somewhat the inaccessibility of a considerable mass of interesting and valuable material.

The event which introduced Napoleon to history is impartially studied in the Heidelberg thesis, *Napoleon Bonaparte and the Siege of Toulon* (Washington, 1902, pp. vii, 114), by Dr. Charles James Fox. The work is in two parts, the first of which discusses the siege itself, the second, the diplomatic correspondence of the Allies respecting Toulon, and the results of its fall. The whole is based upon archival research in Paris and London.

Dr. Fox in his narrative of the siege upholds the importance of Bonaparte's rôle at Toulon. In the main, French criticism here, as in other moot points concerning Napoleon, has reflected the contemporary political fortunes of his dynasty; and since the tendency to slight Bonaparte's work at Toulon has found much prejudiced support in the memoirs of Barras published in 1895, Dr. Fox, by sifting again the official records, has done historical science a timely service. Excessive credit, he finds, has by some been given to Bonaparte for the successful plan of siege. This would have occurred to any respectable tactician and was, in fact, proposed contemporaneously or first in Paris. But the execution was Bonaparte's, and in it are genuine touches of the great Corsican. A battery, for instance, so exposed that gunners hesitated to serve it, he overcrowded with volunteers by naming it "*La batterie des Hommes-sans-peur*." Still the author, in representing this siege as an almost indispensable school of experience for Napoleon, has yielded perhaps to the temptation of a writer to magnify his theme.

The second part is noticeably of less interest. It illustrates the friction between England and Spain over Toulon; and the author, without close argument, ventures the conclusion that they and the other Allies regarded Toulon as rather a pledge of indemnification than a base of offensive war. It may be noted that, since the Allies in Toulon almost from the beginning were on the defensive, the suggested alternative never became real.

From technical defects this work is not free. Quotations in the text a page or more in length occur repeatedly in the second part; and the discussion there of diplomatic relations which contributed much to the fall of Toulon seems a breach of unity. The diction, too, is weighted

throughout by a needless amount of French and marred at points by such expressions as "Constitution of 89" and "Jan. 94." On the whole, it may be not unfair to the author to say that the preparation of his case is commendable, his presentation of it less so.

H. M. BOWMAN.

*Stephen Arnold Douglas.* By William Garrott Brown. [Riverside Biographical Series.] (Boston, Houghton, Mifflin and Co., 1902, pp. 141.) This is the first book about Douglas published since 1866. When we consider the relative position occupied by Lincoln and Douglas during their lives, the discrepancy between the bulk of the literature relating to the former and the almost total absence of any relating to the latter is very extraordinary. Douglas has heretofore been omitted from every biographical series. Mr. Morse excluded him from the list of "American Statesmen" upon the ground that his life was a "great failure," although he would have been the best figure about whom to group the history of the decade preceding the Civil War. Mr. Brown's sketch is therefore notable as a recognition of the great part that Douglas really played. In its composition there are some marks of haste. He says, for example, that "Douglas's wife died early in 1853, and in the summer he made his journey to Europe. When he returned he was in a position the most favorable for original and constructive statesmanship" — two sentences whose proximity creates an impression that was surely not intended. There is some repetition of popular misconceptions, as in the statement that in the Dred Scott case "the Court decided that no negro could become a citizen of the United States"; whereas a majority of the judges did not unite in that opinion. Except for a few such slips the sketch is well done, the analysis of the Lincoln-Douglas debates being especially good. The criticism that suggests itself respects the scope rather than the form of the book. It is too mature for younger readers and too meager for older ones. This is the result of the requirements of a series which attempts to present the lives of men of widely varying character in books of uniform size. There is a theory that busy men demand brief biographies, but it seems probable that all who are interested in Douglas will desire a fuller biography than it was possible to bring within the limits set by the publishers of this series.

F. H. HODDER.

*History of the Constitutions of Iowa.* By Benjamin F. Shambaugh, Ph.D. (Des Moines, Iowa, Historical Department of Iowa, 1902, pp. vi, 352.) A fair idea of the intention of the author may be gained from the closing words of his chapter on definitions: "It is as a code or text of fundamental law that the word 'Constitution' is used in the title of these pages. This is not a philosophical discussion of the ultimate principles of government, nor an outline of our constitutional history, but simply a narrative touching the written texts or codes that have served the people of Iowa as fundamental law during the past sixty years." In

his approaches to the main subject the author devotes a considerable portion of his space to resolutions and by-laws adopted by unauthorized settlers on Iowa soil. These he calls "squatter constitutions." Chapters V to VIII, inclusive, are devoted to Iowa as a territory, and the two fundamental laws handed down by Congress for the government of the territory are analyzed and compared. One of these was for the government of Wisconsin at the time when Iowa was included within its limits, and the other was for the government of the territory west of the Mississippi and north of Missouri. Six chapters are devoted to the agitation for the adoption of a state constitution and the formation and rejection of the constitution of 1844. The remaining six chapters are devoted to the two constitutions of the state, the one of 1846 and the other of 1857, together with a brief account of boundary disputes and the admission of the state to the Union. The work is for the most part a brief compilation from the author's more detailed publications on the same subjects. The book is without foot-notes and citations to authorities, and also lacks bibliography and index.

*The Roll-Call of Westminster Abbey* (New York, The Macmillan Company, 1902, pp. xii, 418), by Mrs. A. Murray Smith, appeared at a most fitting moment when the approach of the coronation brought the historic foundation of Edward the Confessor into increased prominence. However, the author states that she has been occupied with her task for several years, and publishes it with the hope that it will meet the needs of those desiring something on the subject less bulky than Stanley's *Memorials* or her own *Annals*, and yet more comprehensive than the *Deanery Guide*. Mrs. Murray Smith's book gives concise but interesting accounts of the chief persons buried or commemorated in the Abbey, together with much incidental information concerning coronations, state funerals, and other events connected with its history. The phantasmagoric introductory chapter could well have been spared. There are many excellent illustrations, though, as was perhaps inevitable, some are a bit pallid and blurred. The plans showing the location of the tombs are helpful.

A. L. C.

*A Maker of the New Orient* (New York and Chicago, Fleming H. Revell Co., 1902, pp. 332), by Dr. William Elliot Griffis, is an animated and intensely appreciative biography of Samuel Robbins Brown. It is a record of a varied and busy life as a pioneer missionary in China and Japan, as translator of the New Testament into Japanese, and, in the United States, as a teacher of the deaf and dumb, and one of the initiators of the higher education of women; for Dr. Brown was instrumental in establishing the first chartered women's college in this country—Elmira. The author's vivacious style is somewhat marred by occasional repetitions of phrases, such as "sunny missionary" and Dr. Brown's statement, "If I had a hundred lives, I would give them all for Japan."

## NOTES AND NEWS

The death of Mr. Howard M. Jenkins occurred October 11, from an accident at Buck Hill Falls, Pocono Mountains, in eastern Pennsylvania. Beginning in 1862 Mr. Jenkins was successively editor of the *Norristown Republican*, *Wilmington Daily Commercial*, *The American* and *The Manufacturer* of Philadelphia, and *The Friends' Intelligencer and Journal*. He was also the author of several historical works: *Historical Collections Relating to Gwynedd* (Mr. Jenkins was born in Gwynedd in 1842), *The Family of William Penn*, the first volume of *A Memorial History of Philadelphia*, *A Genealogical Sketch of the Descendants of Samuel Spencer*, and a number of magazine articles of an historical nature.

Sir John George Bourinot, K.C.M.G., clerk of the Canadian House of Commons and a well-known writer on Canadian history and law, died at Ottawa, October 13, 1902, in his sixty-fifth year. His most important books were *Canada* (Stories of the Nations); *How Canada is Governed*; *Parliamentary Procedure and Government in Canada*; *Cape Breton and its Memorials of the French Régime*; *Builders of Nova Scotia*; *A Manual of the Constitutional History of Canada*; *Canada under British Rule*. He was for some time president and afterwards honorable secretary of the Royal Society of Canada, and was identified with the political and intellectual life of the Dominion for the past forty years.

Canon George Rawlinson, sometime Camden professor of ancient history at Oxford and author of many books, died October 6, at almost ninety years. His historical writing was done largely in the time when scholars in his field were not expected to know the hieroglyphic and cuneiform literatures, but it appears that the *Five Great Monarchies of the Ancient Eastern World*, the volumes on Parthia and Sassanian Persia, and the translation of Herodotus, though all published in the sixties and seventies, may still be used with profit.

Historical students have several reasons to remember M. Gaston du Fresne, Marquis of Beaucourt, who died on August 12. His *Histoire de Charles VII*, in six volumes, to which he devoted some twenty years, now stands as a durable and in large part definitive work. He founded, in 1866, the *Revue des Questions Historiques* and was still conducting it at the time of his death. Also, among other things, he founded, in 1868, the Société Bibliographique and was the directing spirit of its various activities, notably the publication of the *Polybiblion* and of M. Chevalier's *Répertoire des Sources Historiques du Moyen Âge*. In the

[The department of Notes and News is under the management of Earle W. Dow.]



October number of the *Revue* he directed there is a brief account of his work and his practical aims, by M. E. G. Ledos.

M. René de Maulde, whose death occurred recently, was one of the most productive historical writers in France. Born in 1848, he published his first scientific work in 1868, at the age of twenty, soon followed it up with several considerable studies relating to Orléanais and Avignon in the Middle Ages, and then, with astonishing rapidity, brought out numerous books bearing upon the history of France in the sixteenth and seventeenth centuries. Among these last were three volumes of an *Histoire de Louis XII*, and three volumes on *La Diplomatie au Temps de Machiavel*.

Students of the Renaissance will be among those to regret keenly the death of M. Eugène Müntz. His *Vie de Raphaël*, by which he first became widely known, was followed up by many important books, especially *L'Histoire de l'Art pendant la Renaissance*, *Les Précurseurs de la Renaissance*, *Léonard du Vinci*, and *Pétrarque*.

From Germany and Austria comes report of the death of Professor Ernest Dümmler, of the University of Berlin, author especially of a *Geschichte des Ostfränkischen Reiches*, and at the head, since 1888, of the *Monumenta Germaniae Historica*; Dr. Konrad Maurer, professor at the University of Munich since 1849 and author of many works relating to Scandinavian countries, especially Iceland; Dr. Julius Ficker, of Innsbruck, professor, and eminent student of the history of law in Italy and Germany; and Dr. Ferdinand Kaltenbrunner, professor of the auxiliary sciences of history at Innsbruck and writer especially in the field of diplomatics.

Dr. Hannis Taylor has been appointed professor of constitutional history and common law of England, and of international private law, at the Columbian University in Washington.

Among other recent appointments are those of Dr. J. W. Garner and Mr. W. L. Fleming as lecturers in history at Columbia University; Dr. H. E. Bolton, formerly of the State Normal School, Milwaukee, as instructor in history at the University of Texas; Mr. F. A. Ogg, instructor in history at the University of Indiana; and Mr. H. E. Wells, professor of history and political science in the Nebraska Wesleyan University.

Part XXIX. of the *Historical Atlas of Modern Europe* contains "Europe at the Time of the Third Crusade," by the editor, Dr. Poole; "Germany, 1815-1897," by C. Grant Robertson; and "Scandinavia in the Thirteenth Century," by W. A. Craigie. Part XXX. has "Germany, 1648-1795," by Mr. Robertson; "India in 1792 and 1845," by Professor Oman; and "South Africa Previous to the Suppression of the Boer Republics," by C. G. Robinson. With these two parts this atlas is completed, and the thirty parts may now be bought either separately or bound together in one volume. The price, in the latter case, has been fixed at thirty-eight dollars and fifty cents.

There is a noteworthy article in *The Geographical Journal* for September by Professor W. M. Ramsay, on "The Geographical Conditions Determining History and Religion in Asia Minor."

A late number of the *Bibliothèque de Bibliographies Critiques* is devoted to Taine: "Bibliographie Critique de Taine," by Victor Giraud (Paris, Picard, 1902, pp. 83).

The house of F. Alcan, Paris, will publish *L'Idée d'Évolution dans la Nature et l'Histoire*, by G. Richard. A part of this work forms the leading article of the August number of the *Revue de Synthèse Historique*: "La Notion de l'Arrêt de Développement en Psychologie Sociale."

*A Literary History of Persia*, by Edward G. Brown, aims to be not so much an account of Persian literature in the narrower sense as a history of Persian thought and the part played by Persians in the sphere of religious, philosophical, and scientific speculation. The first volume comes down to 1000 A.D. (Scribner).

#### ANCIENT HISTORY.

In their "Historical Series for Bible Students," Messrs. Scribner have published lately *A History of the Babylonians and Assyrians*, by G. S. Goodspeed. Attention may be called also to another recent volume in a similar series, the "Bible Student's Library": *Samuel and his Age: a Study in the Constitutional History of Israel* (New York, E. and J. B. Young and Co.).

Dr. G. W. Botsford has written a text-book of ancient history, *An Ancient History for Beginners*, upon the lines recommended by the Committee of Seven (Macmillan).

M. P. Allard's *Julien l'Apostat* has been completed by the publication of volumes two and three, which deal especially with Julian's paganism, the Christians, and the Persian War (Paris, V. Lecoffre).

Noteworthy articles in periodicals: A. M. Stevens, *Prevalent Illusions on Roman History* (Contemporary Review, August); Eugène de Faye, *Introduction à l'Étude du Gnosticisme au II<sup>e</sup> et au III<sup>e</sup> Siècle* (Revue de l'Histoire des Religions, beginning with May).

#### MEDIEVAL HISTORY.

*The Papal Monarchy: From Gregory the Great to Boniface VIII. (590-1303)*, by William Barry, is the latest addition to the "Stories of the Nations" (Putnam).

The *English Historical Review* for October contains an account, by Professor A. G. Little, of publications in recent years on St. Francis and the early history of the Franciscan movement: "The Sources of the History of St. Francis of Assisi." In this connection it may be noted that the Fischbacher house (Paris) has lately published as the fourth fascicle of "Opuscules de Critique Historique" the first part of *Les Règles et le Gouvernement de l'Ordo de Penitentie au XIII<sup>e</sup> Siècle*, by Father P. Mandonnet.

The Dent-Macmillan series on towns of the Middle Ages has led up to a "Larger Mediæval Town Series." This will contain new works and also notable volumes of the smaller series, the printing will be on larger paper, and the illustrations promise to be more adequate than was formerly possible. The series is opened by Mr. Gardner's *Florence*. Attention may also be directed here to a new work on Siena: *Siena, her History and Art*, by R. L. Douglas (London, Murray).

The appearance of the third part of Dr. W. A. Copinger's *Supplement to Hain's Repertorium Bibliographicum* completes one of the most important bibliographical publications of recent years. The original work included descriptions or mentions of 16,311 works; Dr. Copinger has made approximately 7,000 corrections of or additions to the entries in Hain, and besides has given information on some 6,000 volumes printed in the fifteenth century to which Hain did not refer at all. The third part is devoted largely to an "Index to the Printers and Publishers of the Fifteenth Century, with Lists of their Works," compiled by K. Burger, of Leipzig (London, Sotheran).

A collection entitled "Philosophes du Moyen Âge. Textes et Études" has been inaugurated by M. de Wulf, of Louvain, for the purpose of setting forth some of the foundations of his recently published history of medieval philosophy. The first fascicle contains the text of *De Unitate Formae*, by Giles of Lessines, composed in 1278 (Paris, Picard).

The August number of the *Revue de Synthèse Historique* contains an account of the work done, mainly in the last thirty years, on the history of medieval philosophy: "La Philosophie Médiévale Latine jusqu'au XIV<sup>e</sup> Siècle," by H. Delacroix.

Two text-books of medieval history have appeared recently; *The Middle Ages*, being Part I. of *An Introduction to the History of Western Europe*, by James Harvey Robinson (Ginn); and *A History of the Middle Ages*, by Dana C. Munro (Appleton).

Noteworthy articles in periodicals: P. de Puniet, *La Liturgie Baptismale en Gaule avant Charlemagne* (*Revue des Questions Historiques*, October); A. Werminghoff, *Die Fürstenspiegel der Karolingerzeit* (*Historische Vierteljahrschrift*, LXXXIX., 2); E. Blochet, *Les Relations Diplomatiques des Hohenstaufen avec les Sultans d'Égypte* (*Revue Historique*, September); H. Werner, *Ueber den Verfasser und den Geist der sog. Reformation des Kaisers Sigmund* (*Historische Vierteljahrschrift*, October).

#### MODERN HISTORY.

A volume of the shorter writings of the late Bishop Creighton has been edited by Mrs. Creighton: *Historical Essays and Reviews*. Its historical contents relate mainly to the period of the Renaissance (Macmillan).

The thirteenth volume of the *Recueil des Traités et Conventions Conclues par la Russie avec les Puissances Étrangères*, by Professor F. de

Martens, is devoted to the treaties with France from 1717 to 1807; the next volume will contain the treaties from 1808 to the present time. An introduction in volume thirteen traces the history of diplomatic relations between France and Russia to 1717, when the first treaty of alliance was concluded.

Mention may be made of some new books bearing upon the military side of the Revolutionary and Napoleonic periods: *Napoleon as a General*, 2 vols., by Count Yorck von Wartenburg (Scribner); *Campagne de 1809 en Allemagne et en Autriche*, Vol. III., by Lieutenant-Colonel Saski (Paris, Berger-Levrault); *L'Expédition d'Égypte (1798-1801)*, Vol. III., by C. de la Jonquière (Paris, Charles-Lavauzelle); and *Mémoires du Colonel Delagrave*, edited by E. Cachot, which aims to be a complete story of the campaign in Portugal, from April, 1810, to May, 1811 (Paris, Delagrave).

*Letters of Dorothea, Princess Lieven, during her Residence in London, 1812-1834*, edited by Lionel G. Robinson, consists of letters of Madame de Lieven to her brother during the twenty-two years' residence of her husband as Russian ambassador to England. They throw light upon the political affairs as well of the continent as of England.

Mr. Alleyne Ireland has brought together a few chapters on the history of Chinese intercourse with western nations, in a volume entitled *China and the Western Powers* (Boston, Laureus Maynard).

Recent biographical literature includes notably: *Life and Letters of H. Taine (1828-1852)*, translated by Mrs. R. L. Devonshire (Dutton); *Personal Reminiscences of Bismarck*, by Sidney Whitman (Appleton); and the *Memoirs of Paul Kruger, Told by Himself*, published in America by the Century Company.

Among the noteworthy recent books upon contemporary history are: *From the Fleet in the Fifties: a History of the Crimean War*, by Mrs. Tom Kelley, with which is incorporated letters written in 1854-1856 by the Rev. S. K. Strothert, chaplain to the Naval Brigade (London, Hurst and Blackett); *Despatches of Field Marshal the Duke of Wellington*, selected and arranged by W. Wood (London, Richards); and *Recollections of a Diplomatist*, 2 vols., by Sir H. Rumbold (London, Arnold).

Noteworthy articles in periodicals: K. Lamprecht, *Aus den Zeiten holländischer Grösse und ihres Verfalles* (Neue Jahrbücher für . . . Geschichte und deutsche Litteratur, August); B. B. Warfield, *The Printing of the Westminster Confession*, appendixes (Presbyterian and Reformed Review, October); G. Roloff, *Zur Napoleonischen Politik von 1803-1805* (Historische Vierteljahrschrift, October); Otto Harnack, *Die Ursachen der Niederlage Napoleons I. im Herbst 1813* (Historische Zeitschrift, LXXXIX., 3); A. Vaschalde, *The Monks of Rabban Hormizd* (Catholic University Bulletin, October).

#### GREAT BRITAIN.

A royal charter was issued on August 8, incorporating "the British Academy for the Promotion of Historical, Philosophical, and Philological

Studies." The first Fellows comprise forty-nine persons, among whom are Lord Roseberry, Mr. Lecky, Sir Frederick Pollock, Mr. Bryce, Mr. Maitland, Dr. A. W. Ward, Professor Pelham, and Professor William Ramsay.

Professor J. B. Bury of the University of Dublin has been nominated Regius Professor of History at Cambridge.

An important biography of King John, by Miss Kate Norgate, is among the recent publications of Messrs. Macmillan: *John Lackland*.

The thesis sustained at the University of Berlin by Dr. Edwin F. Gay, now instructor at Harvard, deals with the history of enclosures in England: *Zur Geschichte der Einhegungen in England*. It is part of a larger work which appears in Schmoller's "Staats- und socialwissenschaftlichen Forschungen."

*The University Studies* (Vol. I., 4) of the University of Illinois is devoted to "The Genesis of the Grand Remonstrance from Parliament to King Charles I.," by Professor H. L. Schoolcraft. The conclusion reached is "that the opinion so long held by historians that Mr. Pym was the sole author of the Grand Remonstrance, is a mistaken one. The document really consisted of two parts, written by separate committees. Mr. Fiennes and Sir Henry Vane prepared that part which related to the affairs of the Church; Messrs. Pym, Hampden, Strode, and Culpepper were jointly responsible for that which related to political affairs."

The Historical Manuscripts Commission has issued the first volume of a report upon *The Stuart Papers*, under the editorship of Mr. Blackburne Daniell. These papers, it is recognized, are important especially for their information upon the negotiations which took place between the political parties in England and the exiled Stuarts.

The *Bulletin* of the New York Public Library for September contains matter upon East Indian affairs from 1750 to 1767,—notably a long letter from Clive, dated September 30, 1765,—and some statistics upon revenues.

An interesting picture of English society at the opening of the reign of George III. may be found in *The Diary of a Journey to England in the Years 1761-1762*, written by Count Frederick Kielmansegge and translated by his great-grandson's wife, Countess Kielmansegg (Longmans).

The second volume of Mr. Andrew Lang's *History of Scotland* was published toward the close of the year. It covers the period from 1546 to 1625 (New York, Dodd, Mead and Co.).

The Council of the Scottish History Society has announced its intention of publishing *The Records of the Proceedings of the Justiciary Court*, from January 29, 1661, to the end of 1678, and *The Household Book of Cardinal Beaton*, from 1539 to 1545.

The Macmillan Company has published recently *Politics and Religion, 1550-1695*, 2 vols., a study in Scottish history from the Reformation to the Revolution, by William Law Mathieson.

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Dr. Ernest Albee appears to have made an important contribution to the history of English ethical thought, by his *History of English Utilitarianism* (Macmillan).

The real subject of two new volumes by Mr. T. H. S. Escott is not necessarily seen by their title: *Gentlemen of the House of Commons*. They deal less with the present than with the past life of the Commons, and indeed are mainly concerned with times before the nineteenth century (London, Hurst and Blackett).

Noteworthy articles in periodicals: W. H. Stevenson, *Dr. Guest and the English Conquest of South Britain* (English Historical Review, October); Mary Bateson, *A London Municipal Collection of the Reign of John II.* (English Historical Review, October); D. A. Winstanley, *George III. and his First Cabinet* (English Historical Review, October); J. L. Haney, *German Literature in England before 1790* (Americana Germanica, IV. 2); *England and Russia during the Nineteenth Century* (Edinburgh Review, October); Sidney and Beatrice Webb, *What Happened to the English Parish* (Political Science Quarterly, June and September).

#### FRANCE.

The third volume of M. J. Flach's work on the origins of old France is announced for early publication, under the sub-title of *La Renaissance de l'État. La Royauté, le Principat et l'Église* (Paris, Larose). The introduction to this volume appears in advance in the November number of the *Revue Historique*.

M. P. Boissonnade continues, in the August number of the *Revue de Synthèse Historique*, his account of the status of studies relating to the economic history of France in the Middle Ages. This second article deals with the history of industry and the industrial classes; "Histoire de l'Industrie."

The eighth volume of M. Glasson's *Histoire du Droit et des Institutions de la France* appeared recently. The preceding volumes having come down through feudalism, this one begins upon the period of the monarchy (Paris, Pichon).

Volume IV. of the *Layettes du Trésor des Chartes, 1261-1270* was published recently. M. Élie Berger supplies an introduction on "Les Dernières Années de Saint Louis" (Paris, Plon-Nourrit).

Mr. Charles Edward Cheney read before the Chicago Literary Club, in March last, a monograph upon Giannino of Siena, who claimed to be John I. of France. His narration has since been printed privately as one of the "Club Papers," and forms, it is believed, the first account in English of the mysterious career of this personage: *A King of France unnamed in History* (pp. 86). Several documents are given in appendixes, and there is an excellent facsimile of "Rienzi's Charte," giving the testimony of Cola di Rienzo as to the pretensions of Giannino.

The English literature upon Jeanne d'Arc has been increased notably



of late by *Jeanne d'Arc*, edited from the Procès by T. Douglas Murray (London, Heinemann).

The Lavissee history of France has just entered upon the second part of Volume IV., in which M. Ch. Petit-Dutaillis writes upon *Charles VII, Louis XI, et les Premières Années de Charles VIII* (Paris, Hachette).

M. Henri Hauser contributes to the November number of the *Revue Historique* an interesting study upon the origins of Mercantilism and Colbertism. Far from attributing the ideas which these terms represent simply to Colbert, he goes back to the period of depression following the religious wars, and more particularly to facts connected with the silk industry of that time at Lyons and Tours: *La Liberté du Commerce et la Liberté du Travail sous Henri IV. Lyon et Tours (1596-1601)*.

The *Revue d'Histoire Moderne et Contemporaine* has begun a series of critical bibliographies relating to different periods of the economic history of France. In the October and November numbers M. Ph. Sagnac deals with the period from the death of Colbert to the Peace of Amiens and of Rastadt: "L'Histoire Économique de la France de 1683 à 1714."

The publishers of the "Archives Religieuses de l'Histoire de France" have begun a similar collection for the seventeenth and eighteenth centuries: "Documents pour Servir à l'Histoire Religieuse des XVII<sup>e</sup> et XVIII<sup>e</sup> Siècles." In harmony with the intention that this collection shall include principally documents relating to the history of Jansenism, the first volume, which appeared recently under the title of *Rome et la France, la Seconde Phase du Jansénisme*, contains the second part of Thuillier's *Histoire de la Constitution Unigenitus*.

M. Albert Vandal has published, through MM. Plon-Nourrit (Paris), the beginning of an important work upon Napoleon: *L'Avènement de Bonaparte*. In this first part he deals with the genesis of the Consulate, Brumaire, and the Constitution of the year VIII.

Among the most important biographical literature of the past year is a work by Mr. Bernard Mallet: *Mallet du Pan and the French Revolution* (Longmans).

Mention should be made here of a work upon archæology which no doubt will mainly replace the *Dictionnaires* of Viollet-le-Duc: *Manuel d'Archéologie Française*, by C. Enlart. The first volume is devoted entirely to religious architecture (Paris, Picard).

Noteworthy articles in periodicals: A. Degert, *Le Pouvoir Royal en Gascogne sous les Derniers Carolingiens et les Premiers Capétiens* (*Revue des Questions Historiques*, October); A. Cans, *Lettres de M. de Boisgelin, Archevêque d'Aix, à la Comtesse de Gramont, 1776-1789* (*Revue Historique*, July, September, November); E. Kahn, "L'Affaire du Collier" et "La Mort de la Reine," *Critique d'Ouvrages Récents* (*Revue d'Histoire Moderne et Contemporaine*, October); P. Bliard, *Un Club en Province au Début de la Révolution (1791-1793)* (*Revue des Questions Historiques*, October).

## ITALY.

The purpose of *Naples in 1799*, by Signora Giglioli, is to give a history of the Revolution of 1799 and of the rise and fall of the Parthenopean Republic, including the parts played by Lord Nelson and Lady Hamilton (London, Murray).

F. X. Kraus's *Cavour. Erhebung Italiens* (Mainz, 1902) has already been put into Italian, by D. Valbusa: *Cavour. Il Risorgimento d'Italia nel Secolo Decimonono* (Mainz, 1902, pp. 101). This early translation must be recognized as a work of propaganda for liberal Catholicism in Italy, as well as a tribute to the actual merit of the publication. The volume is not a biography in the strict sense of the word, but a study upon the Italian "Risorgimento," taking the life of Cavour as the center about which to group its statements of fact and its appreciations. In general it is favorable to the work of Cavour and to the national movement, and it boldly condemns the temporal power, depicting its history in unmistakably somber colors. This performance by a Catholic of Kraus's importance has aroused wide interest and comment. A brief bibliography is appended in both the original and the translation.

## GERMANY, BELGIUM.

Dr. A. Cartellieri, formerly at Heidelberg, has become professor at Jena; Dr. E. Meyer has gone from Halle to Berlin, and Dr. Julius Kaerst has been named professor extraordinary at Leipzig.

M. Paul Matter has dealt at some length with the Revolution of 1848 in two articles in the latest numbers (September and November) of the *Revue Historique*: "La Prusse au Temps de Bismarck. La Révolution de 1848."

In *The German Revolution of 1849*, Mr. Charles W. Dahlinger aims to give "an account of the final struggle in Baden for the maintenance of Germany's first national representative government" (Putnam).

The *Revue Historique* for September and November contains the first and second installments of an account of historical publications in Belgium during the years 1899-1901, by M. Eugène Hubert.

Noteworthy articles in periodicals: Wilhelm Naudé, *Die merkantilistische Wirtschaftspolitik Friedrich Wilhelms I. und der küstriner Kammerdirektor Hille* (Historische Zeitschrift, XC., 1); P. Wittichen, *Das preussische Kabinett und Friedrich v. Gentz. Eine Denkschrift aus dem Jahre 1800* (Historische Zeitschrift, LXXXIX., 2); F. Thimme, *Wilhelm I., Bismarck und der Ursprung des Annexionsgedankens 1866* (Historische Zeitschrift, LXXXIX., 3); F. Meinecke, *Zur Geschichte Bismarcks. II. Bismarcks Eintritt in den christlich-germanischen Kreis* (Historische Zeitschrift, XC., 1); J. W. Garner, *The Judiciary of the German Empire. I.* (Political Science Quarterly, September).

## AMERICA.

Mr. R. R. Bowker has completed the second part of his *Provisional List of the Official Publications of the Several States of the United States*

*from their Organization.* This part covers the middle Atlantic and central states—New York, New Jersey, Pennsylvania, Ohio, Indiana, Illinois, Michigan, Wisconsin (New York, The Publishers' Weekly).

A new edition of Alexander Johnston's *History of American Politics*, revised by William M. Sloane and continued by Winthrop More Daniels, has been issued by Messrs. Holt and Company, in their "Handbooks for Students and General Readers."

A new and revised edition of White's *Money and Banking* (Ginn and Co.) has appeared. The intention of the author has been to adapt the book more particularly for use in the class room. With this thought in mind, he has added to each chapter a brief recapitulation and a list of authorities. The historical portions have decided value for the student of American history.

*Financial History of the United States*, by Davis R. Dewey, forms a new number of the "American Citizen Series" (Longmans).

The Arthur H. Clark Company of Cleveland has begun a series entitled "The Historic Highways of America," by Archer Butler Hulbert. The aim is to set forth the history of America with respect to the evolution of its highways of war, commerce, and social expansion. There are to be sixteen volumes, the last devoted to an index. Two are published so far, *Paths of the Mound-Building Indians and Great Game Animals* and *Indian Thoroughfares*; the others are to appear, it is hoped, at the rate of a volume every two months.

The latest number of *Americana Germanica* (IV., 2) contains matter of much interest to students of American history. In a first article on "Three Swabian Journalists and the American Revolution," by J. A. Waltz, of Harvard University, numerous extracts are given from a paper edited by Friedrich Schiller, published at Stuttgart. Also there is a considerable treatment of the oldest relations between American and German universities, especially Göttingen, in an article on the Union of old German Students in America: "Die Vereinigung alter deutscher Studenten in Amerika," by L. Viereck. Finally there is an account of the foundation, constitution, and objects of the German American Historical Society, and a prospectus of the American Ethnographical Survey, with special reference to the Pennsylvania section. The German American Society will aim to be a general body to which all local organizations of similar purpose may attach themselves, and will "make systematic efforts to collect in all parts of the land the evidences of German activity in building the American republic, and thus encourage local research as well as scientific treatment of the material collected." The Ethnographical Survey is designed to give substantial aid toward an "accurate history of the origins and growth of our national civilization and of the contributions made by the different race elements to our life and institutions."

A recent important volume on our shipping industry is of historical as well as practical interest: *American Navigation: The Political His-*

*tory of its Rise and Ruin and the Proper Means for its Encouragement*, by W. W. Bates (Houghton, Mifflin and Co.). It may be added that Messrs. Scribner have lately published a book in the same general field: *The American Merchant Marine; its History and Romance from 1620 to 1902*, by W. L. Marvin.

The Harvard library, after some four years' interval, has resumed its series of "Bibliographical Contributions." Number 54 is devoted to *A Bibliography of Justin Winsor*, a chronological record extending from 1849 to 1897, by William F. Yust.

The American Antiquarian Society at its October meeting appropriated money for the completion of a guide to the materials for American history in the Public Record Office, British Museum, and other repositories of manuscripts in London, to be executed under the general direction of Professor J. Franklin Jameson of Chicago.

Professor H. V. Ames has lately brought out a revised edition of his *Outline of Lectures on American Political and Institutional History during the Colonial and Revolutionary Periods*. He has also published the fourth number of his *State Documents on Federal Relations. The States and the United States*. It gives carefully edited material on "The Tariff and Nullification, 1820-1833" (Department of History, University of Pennsylvania).

Sara M. Riggs, professor of history in the Iowa State Normal School, has prepared an outline which is published under the title, *Studies in United States History* (Ginn). The outline seems to be carefully prepared, and the references are helpful. The introductory bibliography could be much improved.

The first three numbers of "Source Readers in American History," edited by Professor Albert Bushnell Hart, have been published. They contain entertaining selections, many of which will be read with interest by older students of history.

Two new volumes have appeared in the series of "Handbooks of American Government": *The Government of Maine*, by Professor William MacDonald, and *The Government of New York*, by Professor William C. Morey (Macmillan).

The *Bibliographer* begins in its October issue a facsimile reproduction of Brereton's "Discovery of the North Part of Virginia." The opening article of this number is by Mr. John Boyd Thatcher on "A Bibliographical Romance (The Columbus Letter)."

A life of Captain John Smith, compiled chiefly from his own writings and those of his contemporaries, has been published by Longmans, Green and Co.: *The Adventures of Captain John Smith, Captain of Two Hundred and Fifty Horse and sometime President of Virginia*, by E. P. Roberts.

A paper read before the Royal Historical Society last January by Mr. R. G. Marsden, and since printed in its *Transactions*, deals with "The High Court of Admiralty in Relation to National History, Commerce,

and the Colonization of America.—A.D. 1550-1650." Of special interest in connection with the last branch of the subject is a suit of the year 1624, brought by two seamen against the Plymouth Company. One of the documents used was a long letter from Bradford, which may be found among the documents published in this number of the REVIEW. Among other points in the suit it appears that the ships sent out by the company carried commissions to capture ships.

The August number of the *Revue de Synthèse Historique* contains an article on "L'Origine de la Tolérance aux États-Unis." In it M. Henry Bary traces toleration in America to our colonial religion, and particularly to two features of it which he calls its social and its positive instinct. This article also forms part of a book by M. Bary, just published: *La Religion dans la Société aux États-Unis* (Paris, Colin).

*The True History of the American Revolution*, by S. G. Fisher, deals with the conduct of the war, its chief figures, and the reasons for its outcome (Philadelphia, Lippincott). Its story of the Revolution purports to differ considerably from the accounts we have had so far.

A recent book by Vicomte de Noailles will be of interest for American as well as French history: *Marins et Soldats Français en Amérique pendant la Guerre de l'Indépendance des États-Unis (1778-1783)* (Paris, Perrin).

*Letters of Hugh Earl Percy* is a little volume of eighty-eight pages, containing some interesting material for the study of Revolutionary history (Boston, C. E. Goodspeed). A good many of the letters have not been printed before; some of them were found in the library of the present Duke of Northumberland. Percy, it will be remembered, had charge of the brigade which was sent out "to cover the retreat of Grenadeers and Light Infy, on their return from the Expedition to Concord."

Numbers 9 and 10 of the current series of *Johns Hopkins University Studies in History and Political Science* are devoted to a study of Philip Freneau: "The Political Activities of Philip Freneau," by Samuel E. Forman.

In the October number of the *Bulletin* of the Boston Public Library are two series of letters of the Revolutionary period; seven from Colonel William Turner Miller to his wife, from the camp before Boston, 1775, and five from William Bant to John Hancock, 1776 and 1777. The documents of the November number, relating also to the Revolution, comprise confessions of James Roby upon the "raising" of bills of credit, 1776; two letters, one from Henry Knox, one from Nathaniel Appleton; and a committee report on bounties to soldiers and the depreciation of the Continental currency, 1780.

We note the appearance in Paris of a small volume on Franklin: *Benjamin Franklin et la Médecine à la Fin du XVIII<sup>e</sup> Siècle*, by Dr. Ch. Tourtourat (Rudeval).

Mr. Joseph Schafer, of the University of Oregon, has written upon

"The Origin of the System of Land Grants for Education." He begins with the idea of the land grant policy as brought in germ from England to the colonies, and aims to show "how the idea of permanent school endowments, as understood by the English colonists, was affected by the two forces, public care of education and free land; how a definite land grant policy grew up in several of the colonies under the stimulus of these forces; and finally, how the local policy became the policy of the entire nation." His monograph opens the first volume of a separate history series in the *Bulletin of the University of Wisconsin* (1902, pp. 53).

*George Rogers Clark*, by Professor Frederick J. Turner, is announced for early publication in the "Riverside Biographical Series" (Houghton, Mifflin and Co.).

Mr. Arthur St. Clair Colyar, of Nashville, has about ready for the press a new *Life of Andrew Jackson*. A paper which forms a sort of introduction to this work forms the leading article in the *Gulf States Historical Magazine* for November: "The Necessity for a New Life of Andrew Jackson."

Recent Webster literature includes notably, besides Dr. Van Tyne's edition of the *Letters* (McClure), a volume by Professor J. B. McMaster, entitled *Daniel Webster* (Century Co.) and three volumes of *Speeches and other Writings of Daniel Webster, hitherto Uncollected* (Boston, Little, Brown and Co.).

The University of Chicago Press is to bring out shortly *The Second Bank of the United States*, by R. H. C. Catterall.

A history of the passage of the Homestead Law, from the beginning of its agitation in 1846 till it was signed by the President in 1862, has been running in the *Deutsch-Amerikanische Geschichtsblätter* since April: "Die Heimstätten-Gesetz-Bewegung," by Professor Benjamin Terry. Among other important matter in recent numbers of this quarterly we note especially "Erlebnisse und Beobachtungen eines deutschen Ingenieurs in den Vereinigten Staaten, 1867-1885," by Eduard Kemberle, (concluded in October); "Geschichte der deutschen Quincy's," by H. Bornmann (continued in April, July, October); and "Die ältesten deutschen Ansiedler von Illinois," by E. Mannhardt (continued in April and October).

The Decennial Publications of the University of Chicago, second series, will contain a monograph entitled *A History of the Greenbacks with special Reference to the Economic Consequences of their Issue, 1862-1865*, by Wesley C. Mitchell. A chapter from this monograph appeared in the September issue of the *Journal of Political Economy*: "The Circulating Medium during the Civil War."

Messrs. Putnam have published an important work upon Rhode Island: *Rhode Island, its Making and its Meaning*, 2 vols., being a survey of the annals of the commonwealth from its settlement to the death of Roger Williams, 1636-1683, by Irving Berdine Richman. Dealing as it does with persons and events which were intimately connected with the



development of two leading principles of modern civilization — freedom of conscience in religion, and the rights of man in politics — Mr. Richman's book will be seen to have a place in the field of general history. There is an introduction by Mr. James Bryce.

In *New Amsterdam and its People: Studies Social and Topographical of the Town under Dutch and early English Rule*, Mr. J. H. Innes aims to give a picture of the actual conditions which prevailed in New Amsterdam a decade or so before the surrender to the English (Scribner).

The fifth volume of the *Publications* of the Buffalo Historical Society contains much new material bearing upon the War of 1812 and upon American internal development. We note especially the correspondence and orders of Major-General Amos Hall, relating to the militia service of 1813-1814; the reminiscences of Judge Samuel Wilkeson, covering the period 1784-1822 and dealing chiefly with pioneer life in western Pennsylvania and Ohio; a group of papers concerning early traffic on the Great Lakes; and papers relating to Niagara Falls. There is also an annotated bibliography of the Upper Canada Rebellion. The volume is edited by the secretary of the society, Mr. Frank H. Severance, and is published at Buffalo by the society.

The *Pennsylvania Magazine of History and Biography* for October contains notably, besides continuations, "The Capture of Stony Point," by Samuel W. Pennypacker, and "Interesting Letters of George Moran and Aaron Burr," by G. D. W. Vroom.

The September number of the *Records* of the American Catholic Historical Society of Philadelphia contains mainly, aside from continuations, "Sketch of the Life of Professor William Augustine Newland, Last of the Old-time Philadelphia Catholic Organists, 1813-1891," by F. X. Reuss.

The *South Atlantic Quarterly* for October—an excellent number—contains several articles of interest to students of American history: "The Reign of Passion;" "The Principle of Neutralization Applied to Canals," by J. H. Latané; "The Principle of Instructing United States Senators," by W. E. Dodd; "The South and Service Pension Laws," by W. H. Glasson; "William Lowndes," contemporary and friend of Calhoun, by Fannie White Carr; and "How a Young Man Built up History in Mississippi," referring to Dr. Franklin L. Riley, of the University of Mississippi.

The *Publications of the Southern History Association* contains, in the September and November numbers, material entitled "General Sumter and his Neighbors," by Kate Furman; and begins, in the November number, "A Southern Sulky Ride in 1837."

The latest issue in the *Publications* of the American Economic Association should be of considerable interest for the economic and social history of the South: "The Negro in Africa and America," by Joseph A. Tillinghast. The writer brings together two lines of investigation hith-

erto kept asunder, and thus traces many characteristics of the American negro to his African inheritance.

The *Sewanee Review* closes, with the October number, its tenth year; and the editor, Professor John Bell Henneman, takes the opportunity for a retrospect: "Ten Years of the *Sewanee Review*." This periodical, it will be remembered, was founded by Professor William P. Trent. It has always been devoted primarily to literature, but at the same time has given considerable attention to history. What it has accomplished since 1892 is recalled not only by the editor's retrospect but also by the "General Index. Volumes I.-X.," which appears in the same number. Historical students will be interested especially in the heading "History and Biography."

Six lectures delivered before the Johns Hopkins University last February and March, by Mr. Clayton C. Hall, are to be published by the John Murray Company, of Baltimore, under the title, *The Lords Baltimore and the Maryland Palatinate*.

"The Maryland Constitution of 1851," by James W. Harry, occupies numbers 7 and 8 in the current series of *Johns Hopkins University Studies in History and Political Science*. It aims to cover the constitutional history of Maryland from 1836 to 1851.

The concluding article of Professor John W. Wayland's "The Germans of the Valley" appears in the October number of the *Virginia Magazine of History and Biography*. It may be added that Professor Wayland has decided to undertake a history of the German element in Virginia. This number of the *Magazine* contains also, besides continuations, "The Ferrar Papers," being copies of documents at Magdalene College, Cambridge; "Some Colonial Letters"; "Pioneer Days in Allegheny County," by W. A. McAllister; "Will of Wilson Cary, 1772"; and "List of Tithables in Northampton County, Virginia, August, 1666."

The *American Historical Magazine* for July opens with an article on "Georgia and the Cherokees," by B. J. Ramage, and follows it up with the first installment of "Documents Relating to the Creek War." In this number we note also "Alta Vela," being an account of why Judge Black withdrew from the impeachment trial of President Johnson, by J. S. Jones; "An Interesting Letter from Washington Irving," relating the difficulties attending the negotiations which resulted in re-establishing trade relations in 1830 between American ports and various British colonial possessions; "Origin of the Democratic National Convention," correspondence disclosing the fact that the convention was first proposed by William B. Lewis, of Tennessee. The October number of the same review has biographical sketches of two of Tennessee's governors: "Governor William Trousdale," by B. F. Allen; "Governor William Carroll," by Emma Carroll Tucker; "The Earliest Records of Davidson County"—that is, of the first county erected in Tennessee west of the Cumberland Mountains; the first installment of "Campbell Papers;" a

first article on "Madison County," by J. G. Cisco; and "Roberts Papers," relating to the military service of General Isaac Roberts, a pioneer of middle Tennessee. The July number continues "Records of the Cumberland Association," and both the July and October numbers have farther installments of "Sketches and Anecdotes of the Family of Brown," and Rev. J. B. Morris's translation of "Select Documents."

A society for the study of the history of the Tennessee valley, to be known as the Tennessee Valley Historical Society, was organized at a meeting in Huntsville, Alabama, September 3. The secretary, Mr. Oliver D. Street, of Gunterville, Alabama, intends to publish in book form the proceedings and papers of this meeting.

Recent publications of interest for Southern history include a *History of Guilford County, North Carolina*, by Sallie W. Stockard (published by the author, Greensboro, North Carolina).

The South Carolina Historical Society published, in the third volume of its *Collections* (1859), the journal of the Second Council of Safety of the Revolutionary party in South Carolina to February 26, 1776. It begins now, in the October number of the *South Carolina Historical and Genealogical Magazine*, a series of "Papers of the Second Council of Safety," relating to November 1775-March 1776. In the same number of the *Magazine* are: "Officers of the South Carolina Regiment in the Cherokee War, 1760-61"; a continuation from the July number of "Letters from John Henry Laurens to his son John, 1773-1776"; and "Capt. John Colcock and Some of his Descendants," by A. S. Salley, Jr.

The *Gulf States Historical Magazine* publishes in its September number seven letters from Calhoun, of the years 1818-1821, and all addressed to Charles Tait, senator from Georgia from 1809 to 1819. The same number of this review contains "The Confederate Submarine Torpedo Boat Hunley," by W. A. Alexander; "The Fisher Family," by the editor, Thomas M. Owen; and "The Churches of Alabama during the Civil War and Reconstruction," by Walter L. Fleming (a reprint of his article which Mr. Fleming sent to the REVIEW contains numerous corrections). The October number contains, with other matter, "The Continuity of Constitutional Government in Mexico under President Juarez," by Clarence Ousley; "Louisiana History in Government Documents," by William Beer; "How the News of the Assassination of President Lincoln was Received by the Confederate Prisoners on Johnson's Island," by J. W. Inzer; and "The Ross Family," by Mr. Owen.

The study of state boundaries makes progress now and then; we note at this time an article on a boundary of national as well as state interest: "The Southwest Boundary of Texas," by I. J. Cox, in the October number of the *Quarterly of the Texas State Historical Association*. The question is treated especially from a Spanish and Mexican point of view. This number of the *Quarterly* has also: "Some Materials for South-western History in the Archivo General de Mexico," by H. E. Bolton; "Reminiscences of C. C. Cox"; "An Account of the Battle of San

Jacinto," by J. W. Winters; and "The African Slave Trade in Texas," by E. C. Barker.

In *The Early History of the Maumee Valley* Mr. John E. Gunkel (Toledo, pp. 101) seeks to give a graphic account of the more striking events in the history of that region. Its leading object, perhaps, is to stimulate local pride and interest. The pictures of the old landmarks and of the sites of the old forts are likely to be of some service in the preparation of a more complete history.

The *Publications of the Michigan Political Science Association* for September brings an additional number in the series of studies in Michigan history: "The Territorial Tax Legislation of Michigan," by Dr. Margaret A. Schaffner.

We note among recent publications in France *Au Mississippi. La Première Exploration (1673). Le Père Jacques Marquette (de Laon), et Louis Jolliet, d'après M. Ernest Gagnon*, by Alfred Hamy (Paris, Champion).

The October number of the *Annals of Iowa* is devoted mainly to an article on the "Iowa Northern Brigade," by Captain W. H. Ingham.

In the *Quarterly of the Oregon Historical Society* for September we note particularly "Sheep Husbandry in Oregon," by John Minto; "History of the Willemette Woolen Factory," by L. E. Pratt; and "Reminiscences" relating to different pioneer families, written by H. S. Lyman.

The September number of the *Annals of the American Academy of Political and Social Science* has an article on "Political Parties in the Philippines," by William H. Taft, and one on "The Establishment of Civil Government in the Philippines," by L. S. Rowe. The November number is devoted mainly to a series of papers on finance.

The Arthur H. Clark Company, of Cleveland, has begun an important enterprise, the publication of some fifty-five volumes containing the narratives of explorers and missionaries in the Philippine Islands from 1493 to 1803. The editorial work is in the hands of Miss Emma Helen Blair, who aided Mr. Thwaites in the edition of *The Jesuit Relations*, and Mr. James Alexander Robertson. An historical introduction and notes are to be prepared by Professor Edward G. Bourne. The edition is to be limited to 1,000 numbered sets. The first volume is announced for January 15, 1903.

Noteworthy articles in periodicals: H. L. Osgood, *England and the American Colonies* (Political Science Quarterly, June); F. Rousseau, *La Participation de l'Espagne à la Guerre d'Amérique* (Revue des Questions Historiques, October); G. S. Callender, *The Early Transportation and Banking Enterprises of the States in Relation to the Growth of Corporations* (Quarterly Journal of Economics, November); James Russell Lowell (Quarterly Review, July); B. H. Meyer, *The Past and the Future of the Interstate Commerce Commission* (Political Science Quarterly, September); C. O. Paullin, *The Naval Administration of the Southern States* (Sewanee Review).